

EXHIBIT A

Videotaped Deposition of Itani Milleni

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RELIASTAR LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) Case No. 4:17-cv-02818
)
TRANG VU,)
P.T., a minor, and)
D.T., a minor,)
)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

ITANI MILLENI

OCTOBER 18, 2018

ORAL AND VIDEOTAPED DEPOSITION of ITANI MILLENI, produced as a witness at the instance of the ATTORNEY AD LITEM FOR DEFENDANTS P.T. AND D.T., MINORS, and duly sworn, was taken in the above-styled and numbered cause on OCTOBER 18, 2018, from 10:03 a.m. to 4:48 p.m., before Stephanie M. Harper, RPR, CSR in and for the State of Texas, recorded by machine shorthand, at the offices of THE CALLAHAN LAW FIRM, 440 Louisiana Street, Suite 2000, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto; signature having been waived.

JOB NO. 5810

Videotaped Deposition of Itani Milleni

Page 2	Page 4
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Page 3	Page 5
<p>1 APPEARANCES (continued)</p> <p>2 REPORTED BY:</p> <p>3 Stephanie M. Harper, RPR, CSR</p> <p>4 courtreporter@mac.com</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXHIBIT INDEX</p> <p>2 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>3 ITANI MILLENI</p> <p>4 OCTOBER 18, 2018</p> <p>5</p> <p>6 Exhibit Description Page</p> <p>7 EXHIBIT 1 Defendant, Itani 37</p> <p>8 Milleni's Objections,</p> <p>9 Answers and Responses to</p> <p>10 Defendant-Cross-</p> <p>11 Plaintiffs, P.T., a</p> <p>12 minor, and D.T., a</p> <p>13 minor's First Set of</p> <p>14 Interrogatories and</p> <p>15 First Request for</p> <p>16 Production</p> <p>17 EXHIBIT 2 Children's Crisis Care 48</p> <p>18 Center</p> <p>19 Family Evaluation</p> <p>20 EXHIBIT 3 Certificate of Formation 56</p> <p>21 Limited Liability</p> <p>22 Company</p> <p>23 SBS Beauty LLC</p> <p>24 EXHIBIT 4 Certificate of 56</p> <p>25 Termination of a</p> <p>Domestic Entity</p> <p>SBS Beauty LLC</p> <p>EXHIBIT 5 Working Narrative Log 62</p> <p>EXHIBIT 6 Drawing 88</p> <p>EXHIBIT 7 Work Product Houston 141</p> <p>Police Department</p> <p>EXHIBIT 8 Letter dated 166</p> <p>July 6th, 2015</p> <p>EXHIBIT 9 Investigation Report 171</p> <p>EXHIBIT 10 Working Narrative Log 186</p> <p>EXHIBIT 11 Affidavit 191</p> <p>EXHIBIT 12 Affidavit of Tuyet Tran 195</p>

2 (Pages 2 to 5)

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APPENDIX 0003

Videotaped Deposition of Itani Milleni

Page 6	Page 8
<p>1 EXHIBIT INDEX (continued)</p> <p>2 EXHIBIT 13 Handwritten Notes 202</p> <p>3 EXHIBIT 14 Video 215</p> <p>4 EXHIBIT 15 Show Cause Hearing 224</p> <p>5 EXHIBIT 16 Petition to Change the 234</p> <p>6 Name of an Adult</p> <p>7 EXHIBIT 17 Video 249</p> <p>8 EXHIBIT 18 Video 251</p> <p>9</p> <p>10 • _____ •</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 call you Mr. Milleni or Mr. Vu in this deposition?</p> <p>2 A. Mr. Milleni.</p> <p>3 Q. I will do so. Thank you.</p> <p>4 A. Thank you.</p> <p>5 Q. Mr. Milleni, we have a court reporter here</p> <p>6 who's taking down everything that we're talking</p> <p>7 about today, so it's important that we have a clean</p> <p>8 record. And in order to do that, it's important</p> <p>9 that we don't talk over one another.</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. So let me -- so let me ask a question,</p> <p>12 give an answer, and we won't -- we'll have a clean</p> <p>13 record that way. You agree to do that?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. And it's really important that you</p> <p>16 provide verbal responses today, so no head shakes,</p> <p>17 no nods, yes and no. Will you agree to do that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And if you need a break, just let me know</p> <p>20 and we can take a break. I just ask if I have a</p> <p>21 question pending that you let me finish my question</p> <p>22 and then you answer it at that time. Will you agree</p> <p>23 to do that?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And if you don't understand one of my</p>
Page 7	Page 9
<p>1 THE VIDEOGRAPHER: We are on the</p> <p>2 record, beginning Tape No. 1. Today's date is</p> <p>3 October 18th, 2018, and the time is now 10:03 a.m.</p> <p>4 ITANI MILLENI,</p> <p>5 having been first duly sworn, testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MS. MOORE:</p> <p>8 Q. Good morning, Mr. Milleni.</p> <p>9 A. Good morning.</p> <p>10 Q. My name is Megan Moore. I'm an attorney</p> <p>11 who's been appointed by the Court to represent your</p> <p>12 children, [REDACTED] --</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. -- in this case. Do you understand that?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. Would you please first state and</p> <p>17 spell your name for the record?</p> <p>18 A. Itani Milleni, I-t-a-n-i, M-i-l-l-e-n-i.</p> <p>19 Q. And, Mr. Milleni, have you ever gone by</p> <p>20 any other names?</p> <p>21 A. Yes, ma'am, I did.</p> <p>22 Q. Okay. Can you please state and spell any</p> <p>23 other names that you've gone by?</p> <p>24 A. Trang Vu, T-r-a-n-g, V-u.</p> <p>25 Q. And, Mr. Milleni, would you prefer that I</p>	<p>1 questions, please tell me and I'll rephrase it and</p> <p>2 try to make it so it's clearer. Otherwise, I will</p> <p>3 assume that you understand my questions. Do you</p> <p>4 agree?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Do you need any translating services --</p> <p>7 A. No, I --</p> <p>8 Q. -- today?</p> <p>9 A. -- I don't.</p> <p>10 Q. You understand English?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Thank you. You understand that your</p> <p>13 testimony today is under oath and subject to the</p> <p>14 penalties of perjury? Do you understand that?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And it's the same as if you were</p> <p>17 testifying in front of a judge or a jury. Do you</p> <p>18 understand that?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Is there any reason why you aren't able to</p> <p>21 give complete and truthful testimony today?</p> <p>22 A. No, there's no -- any reason.</p> <p>23 Q. Okay. All right. So you know this case</p> <p>24 is about the death of your former wife, Tuyet Tran,</p> <p>25 correct?</p>

3 (Pages 6 to 9)

Videotaped Deposition of Itani Milleni

Page 10	Page 12
<p>1 A. Yes, ma'am.</p> <p>2 Q. And let's talk about Tuyet Tran. When did</p> <p>3 you meet her?</p> <p>4 A. I remember it was in 2001.</p> <p>5 Q. Okay. Where did you meet her?</p> <p>6 A. In Vietnam.</p> <p>7 Q. How did you meet her?</p> <p>8 A. My sister refer me -- at that time I was</p> <p>9 single, and my sister refer me to meet her so I can</p> <p>10 marry her and to be my wife.</p> <p>11 Q. And what is your sister's name?</p> <p>12 A. Whose name?</p> <p>13 Q. I said what is your sister's name?</p> <p>14 A. Hoa, H-o-a.</p> <p>15 Q. Okay. Is that a last name?</p> <p>16 A. Her first name.</p> <p>17 Q. That's her first name?</p> <p>18 A. Her last name Vu.</p> <p>19 Q. And so you met Tuyet in order to marry her</p> <p>20 for the first time? You hadn't met her before that?</p> <p>21 A. No. It was a referral.</p> <p>22 Q. It was a referral? Do you mean -- by</p> <p>23 referral, do you mean an arranged marriage?</p> <p>24 A. Referral by my sister, Hoa.</p> <p>25 Q. Did you go to your sister and say I want</p>	<p>1 Q. Okay. How did she know -- how did your</p> <p>2 sister know Tuyet Tran?</p> <p>3 A. I believe that my wife was her friend.</p> <p>4 Q. Okay. Do you know how long they had been</p> <p>5 friends?</p> <p>6 A. I don't know.</p> <p>7 Q. And where did you meet -- physically meet</p> <p>8 Tuyet Tran the first time?</p> <p>9 A. In Vietnam.</p> <p>10 Q. Did you go on a date?</p> <p>11 A. No.</p> <p>12 Q. Okay. Where did you first physically meet</p> <p>13 her in Vietnam? Where were you?</p> <p>14 A. In Vietnam. I went to Vietnam, and I met</p> <p>15 her there.</p> <p>16 Q. Okay. When is the first time -- where did</p> <p>17 you go? Did you go to dinner? Did you go to a</p> <p>18 coffee shop? Where did you physically meet her in</p> <p>19 Vietnam for the first time?</p> <p>20 A. I remember she met me at the airport in</p> <p>21 Vietnam.</p> <p>22 Q. Okay. Did you date after that?</p> <p>23 A. We went out, yes. We went out, talking,</p> <p>24 get to know each other.</p> <p>25 Q. What was your first date?</p>
Page 11	Page 13
<p>1 to get married? Do you know anybody? I mean, how</p> <p>2 did that happen?</p> <p>3 A. She's my sister. We talk on the phone.</p> <p>4 Q. Okay. And so you were -- were you in the</p> <p>5 United States at the time?</p> <p>6 A. Was -- did I meet my wife in the United</p> <p>7 States?</p> <p>8 Q. No. When you spoke with your sister about</p> <p>9 marrying Tuyet Tran, were you in the United States</p> <p>10 at the time?</p> <p>11 A. Yes, I was in the United States.</p> <p>12 Q. Okay. And so were you on the phone with</p> <p>13 your sister?</p> <p>14 A. Yes.</p> <p>15 Q. And what did you tell your sister?</p> <p>16 A. I say, okay, I'm single. I'm willing to</p> <p>17 meet her and get to know her.</p> <p>18 Q. Did you talk about marrying her in that</p> <p>19 conversation?</p> <p>20 A. No.</p> <p>21 Q. Okay. So it was just a meet, just a</p> <p>22 referral, a -- a -- a referral from your sister to</p> <p>23 meet somebody -- was Tuyet Tran somebody that your</p> <p>24 sister knew?</p> <p>25 A. Correct.</p>	<p>1 A. I don't remember.</p> <p>2 Q. And when did you decide to propose?</p> <p>3 A. After a couple weeks when I was in</p> <p>4 Vietnam, and I told her, okay, we can get married.</p> <p>5 Q. Did you ask her, or did she ask you?</p> <p>6 A. I don't remember.</p> <p>7 Q. Do you remember how you proposed?</p> <p>8 A. We -- we kind of agree on each other, but</p> <p>9 I didn't make a propose.</p> <p>10 Q. So you just talked it over, and you agreed</p> <p>11 with each other to get married at that time? This</p> <p>12 was in 2001 in Vietnam, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And did you have a wedding?</p> <p>15 A. Yes.</p> <p>16 Q. Where was your wedding?</p> <p>17 A. In Vietnam.</p> <p>18 Q. And how many people, approximately,</p> <p>19 attended?</p> <p>20 A. About 50 people.</p> <p>21 Q. Did it include her family?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Who is -- what is -- what was</p> <p>24 Tuyet's -- Tuyet's father's name?</p> <p>25 A. I don't know.</p>

4 (Pages 10 to 13)

Videotaped Deposition of Itani Milleni

Page 14	Page 16
<p>1 Q. You don't remember her -- her father's 2 name? 3 A. I don't know -- 4 Q. Okay. 5 A. -- her father. 6 Q. You don't know her father? 7 A. No, I don't know her father. 8 Q. Was her father at the wedding? 9 A. No. 10 Q. Okay. Do you know why not? 11 A. She -- my wife said he deceased. 12 Q. Okay. How about Tuyet Tran's mother? 13 What was her name? 14 A. Lang, L-a-n-g. 15 Q. Last name? 16 A. I think it's first name. 17 Q. Okay. And what is her last name? 18 A. I don't remember. 19 Q. And was Tuyet Tran's mother at the 20 wedding? 21 A. Yes. 22 Q. Okay. Did Tuyet have any siblings? 23 A. Yes. 24 Q. Okay. How many siblings did she have? 25 A. Two.</p>	<p>1 her sisters and brothers, are they still in Vietnam? 2 A. I believe so. 3 Q. Were you in love with your wife when you 4 married her? 5 A. Yes. 6 Q. So how long was it after you first met her 7 that you got married? 8 A. About three weeks after that. 9 Q. Three weeks. So you talked and then fell 10 in love with her and got married within three weeks; 11 is that correct? 12 A. Yes. 13 Q. Did you live in Vietnam at the time, or 14 you lived in the United States and you went over to 15 Vietnam to meet her; is that correct? 16 A. I lived in the United States, and then I 17 traveled to Vietnam. 18 Q. Where did you live in the United States at 19 that time? 20 A. With my sister. 21 Q. Where in the United States? 22 A. In Florida. 23 Q. Okay. Where in Florida? What -- what 24 city? 25 A. Orlando, Florida.</p>
Page 15	Page 17
<p>1 Q. And what were their names? 2 A. P [REDACTED] T [REDACTED] D [REDACTED] T [REDACTED]. 3 Q. So her sister was named P [REDACTED] [REDACTED]? 4 A. No. That's her sibling, P [REDACTED] T [REDACTED] and 5 D [REDACTED] T [REDACTED]. 6 Q. You're saying that Tuyet's -- Tuyet's 7 sister is -- 8 A. Oh, sister? 9 Q. Yes. 10 A. I don't remember her sister's name. It's 11 been long times ago. 12 Q. Okay. So she had one sister or more than 13 one sister? 14 A. I think more than one sister. 15 Q. Do you remember how many? 16 A. I don't remember. 17 Q. Did she have any brothers? 18 A. Yes. 19 Q. How many brothers did she have? 20 A. I don't remember. 21 Q. Was it more than one brother? 22 A. I don't remember. 23 Q. Okay. And you don't remember the names? 24 A. No, ma'am, I don't remember. 25 Q. And as far as you know, is Tuyet's mother,</p>	<p>1 Q. Did you live with anyone else except your 2 sister in Orlando, Florida, at that time? 3 A. My mom was there. 4 Q. What's your mother's name? 5 A. Nhung, N-h-u-n-g. 6 Q. And her last name, is it Vu? 7 A. Nguyen, N-g-u-y-e-n. 8 Q. Is she still alive? 9 A. Yes. 10 Q. Is she still in Florida? 11 A. Yes. 12 Q. How about your father? What is his name? 13 A. Phien Vu, P-h-i-e-n, V-u. 14 Q. And is your father still alive? 15 A. Yes, ma'am. 16 Q. And does he live in Florida as well? 17 A. Yes. 18 Q. Are your parents still married? 19 A. Yes. 20 Q. And how long have they been married? 21 A. I don't know. 22 Q. Okay. 23 A. I think for the whole time. 24 Q. And you've already mentioned one sister. 25 Do you have any other sisters or brothers?</p>

5 (Pages 14 to 17)

Videotaped Deposition of Itani Milleni

Page 18	Page 20
<p>1 A. Yes, I do.</p> <p>2 Q. Okay. Can you tell me their names?</p> <p>3 A. Ninh Vu, N-i-n-h. An Vu, A-n, same last</p> <p>4 name, Vu.</p> <p>5 Q. Are those both sisters?</p> <p>6 A. Sisters.</p> <p>7 Q. Okay.</p> <p>8 A. Yen, Y-e-n; Hoa Vu, H-o-a; Hang, H-a-n-g.</p> <p>9 Q. How many brothers?</p> <p>10 A. I have three brothers.</p> <p>11 Q. And what are their names?</p> <p>12 A. Tony, T-o-n-y, and Sonny and -- S-o-n-n-y,</p> <p>13 and Dat, D-a-t.</p> <p>14 Q. Dat Vu?</p> <p>15 A. Dat Vu.</p> <p>16 Q. Everyone has the last name Vu?</p> <p>17 A. Right.</p> <p>18 Q. Okay. And your sisters and brothers --</p> <p>19 you lived -- you said you lived with Hoa Vu; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you ever live with any of your</p> <p>23 other siblings?</p> <p>24 A. I'm sorry?</p> <p>25 Q. Did you ever live with any of your other</p>	<p>1 Q. Okay. Who did you -- did you call -- who</p> <p>2 did you call, or did you call?</p> <p>3 A. I don't remember, but I remember they</p> <p>4 called me.</p> <p>5 Q. They, being who? Was it her mom?</p> <p>6 A. Her mom and her sister.</p> <p>7 Q. And why did they call you?</p> <p>8 A. They asked me about my wife's death.</p> <p>9 Q. And what did you tell them?</p> <p>10 A. I told them about the robbery, and I</p> <p>11 believe the African-American guy came and killed</p> <p>12 her.</p> <p>13 Q. Did you say anything else?</p> <p>14 A. Yes.</p> <p>15 Q. What else did you say?</p> <p>16 A. No, I didn't say anything else.</p> <p>17 Q. They called -- they had heard about her</p> <p>18 death --</p> <p>19 A. Yes.</p> <p>20 Q. -- is that correct?</p> <p>21 A. Right.</p> <p>22 Q. Who did they hear about her death from?</p> <p>23 A. I don't know how.</p> <p>24 Q. But you didn't call them to tell them?</p> <p>25 A. No, I didn't.</p>
Page 19	Page 21
<p>1 siblings as an adult?</p> <p>2 A. Do I live with my siblings as --</p> <p>3 Q. I said have you ever -- you were living</p> <p>4 with your sister at the time when you went over to</p> <p>5 meet Tuyet Tran. Have you ever lived with any of</p> <p>6 your other brothers and sisters, other than when you</p> <p>7 were a child?</p> <p>8 A. I believe my other sister and brother were</p> <p>9 in the house too, with the family in the house.</p> <p>10 Q. Which ones?</p> <p>11 A. Son Vu and Dat Vu -- Son -- Sonny Vu. I</p> <p>12 call him Sonny Vu. And Dat Vu.</p> <p>13 Q. Okay. So two brothers and your sister and</p> <p>14 your mom and dad lived in the house at that time?</p> <p>15 A. Yes.</p> <p>16 Q. Is your brother still in -- is Sonny Vu</p> <p>17 still in Florida?</p> <p>18 A. Yes.</p> <p>19 Q. Are all of your siblings still in Florida?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When is the last time you've spoken</p> <p>22 to any of Tuyet Tran's family members?</p> <p>23 A. Long times ago. About three years ago.</p> <p>24 Q. And did you tell them about Tuyet's death?</p> <p>25 A. Yeah. Yes.</p>	<p>1 Q. They called you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And do you know approximately how</p> <p>4 long after Tuyet's death that you had that</p> <p>5 conversation with them?</p> <p>6 A. That was several days after my wife's</p> <p>7 death they called.</p> <p>8 Q. Now, Mr. Milleni, you had two children</p> <p>9 with Tuyet Tran; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. That's D [REDACTED] -- or D [REDACTED]?</p> <p>12 Excuse me.</p> <p>13 A. No, D [REDACTED] T [REDACTED]</p> <p>14 Q. And P [REDACTED] T [REDACTED]?</p> <p>15 A. Correct.</p> <p>16 Q. And when is D [REDACTED]'s birthday?</p> <p>17 A. [REDACTED] 2004.</p> <p>18 Q. When is P [REDACTED]'s birthday?</p> <p>19 A. [REDACTED] 2003.</p> <p>20 Q. Do you have any other children?</p> <p>21 A. No.</p> <p>22 Q. After you and Tuyet got married, where did</p> <p>23 you live?</p> <p>24 A. We came to Houston. We lived in Houston.</p> <p>25 Q. Did you come directly to Houston?</p>

6 (Pages 18 to 21)

Videotaped Deposition of Itani Milleni

Page 22	Page 24
<p>1 A. I picked her up at the airport when she 2 arrived in Florida, and we came to Houston. 3 Q. Had you planned on moving to Houston? 4 A. No. 5 Q. What brought you to Houston? 6 A. We traveled around with my wife on my 7 savings after -- when she came to United States, we 8 traveled around the United States and through -- 9 through several states just for like a vacation. 10 And Houston was our last stop, and my wife and I 11 decided to stay here to build our family. 12 Q. So your -- the places that you traveled 13 around -- 14 A. Yes, ma'am. 15 Q. -- do you remember where you were 16 traveling? 17 A. We traveled around United States. That's 18 all I remember. We went to Hawaii. We went to 19 California. We went through several states, me and 20 -- me and her. 21 Q. Mr. Milleni, do you need to take a break? 22 A. No. I'm okay. Sorry. 23 MR. BROWN: If you need to take a 24 break, we can take a short break. 25 THE WITNESS: I'm fine. Can I have a</p>	<p>1 A. We moved to -- to a hotel and stayed in a 2 hotel and stayed in apartment -- another apartment. 3 We moved around a lot. 4 Q. What was the -- what was the reason for 5 moving around so much? 6 A. Because I was working for Time Warner 7 Cable. 8 Q. And that required traveling? 9 A. Yes. I traveled with Time Warner Cable. 10 They sent me a job here in Houston, so I moved here. 11 And I -- we traveled around. We stayed in an 12 apartment. We stayed in a hotel, and then we stayed 13 in another apartment. Yes, we moved to several 14 places, yes. 15 Q. So do you remember when you were working 16 for Time Warner Cable any of the names of the 17 apartments that you lived at? 18 A. I don't remember. 19 Q. Okay. Do you remember any -- from -- so 20 you -- the first apartment you lived at with your 21 wife was at Tidwell, correct? 22 A. I remember that, yes. 23 Q. You said you went next to a hotel. Do you 24 remember which hotel? 25 A. I don't remember.</p>
Page 23	Page 25
<p>1 tissue? 2 MR. BROWN: Yeah. 3 THE WITNESS: Thank you. (Crying.) 4 I'm okay. Sorry about that. 5 MS. MOORE: That's okay. 6 Q. (BY MS. MOORE) Mr. Milleni, you said 7 Houston was your last stop, correct? 8 A. Correct. 9 Q. Okay. And where were you -- did you and 10 your wife rent an apartment or buy a house when you 11 came to Houston? 12 A. We stay in apartment. 13 Q. Okay. Do you remember where that 14 apartment was? 15 A. Tidwell. It's on Tidwell Road in Houston. 16 Q. Do you remember what the address was? 17 A. No. 18 Q. Do you remember how long you stayed there? 19 A. Several months. 20 Q. So you think it was months? 21 A. Several months. I don't remember how 22 long. It was for a while. 23 Q. Where did you move from there? 24 A. From there? 25 Q. Um-hmm.</p>	<p>1 Q. And then you went from the hotel to the 2 apartment -- another apartment? 3 A. Yes. 4 Q. Do you remember the address of that 5 apartment? 6 A. No. I only remember Tidwell. 7 Q. Okay. Where is the next place that you 8 remember moving with your wife? 9 A. Into our home on -- we purchased -- we 10 start purchase a house. 11 Q. You purchased a house? 12 A. Yes. 13 Q. Okay. Where did -- where did you purchase 14 the house? Excuse me. Let me ask a better 15 question. 16 What was the address of the house that 17 you purchased? 18 A. Hidden Shadow Lane. 19 Q. What's the -- the address? 20 A. I don't remember the address, no. 21 Q. You don't remember the first part of the 22 address? 23 A. 16 something. 16 something. I don't 24 remember. 25 Q. Was that in Houston?</p>

7 (Pages 22 to 25)

Videotaped Deposition of Itani Milleni

Page 26	Page 28
<p>1 A. Yes.</p> <p>2 Q. Do you remember the ZIP code?</p> <p>3 A. No. Cypress, Texas, is all I remember. I</p> <p>4 don't remember the ZIP code.</p> <p>5 Q. So you actually bought this home, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And do you remember approximately when</p> <p>8 that was?</p> <p>9 A. I don't remember.</p> <p>10 Q. Was it soon after you came back, or you</p> <p>11 were in Houston or -- I mean, was it several years</p> <p>12 later that you bought this house?</p> <p>13 A. Several years later. I saved up enough</p> <p>14 money and bought the house, our first house.</p> <p>15 Q. What job were you working at at the time?</p> <p>16 A. I work as a bookkeeper.</p> <p>17 Q. A bookkeeper for what employer?</p> <p>18 A. Adara Communities, A-d-a-r-a, Adara</p> <p>19 Communities.</p> <p>20 Q. How long had you been working at Adara</p> <p>21 Communities before you bought the house?</p> <p>22 A. For a long time. About ten years.</p> <p>23 Q. So you think you had been with Adara</p> <p>24 Communities about ten years before you purchased</p> <p>25 that home on Hidden Shadow Lane?</p>	<p>1 A. Yes, we talked about selling the house.</p> <p>2 Q. And when did you decide to sell the house?</p> <p>3 A. When we set up the -- a business for my</p> <p>4 wife.</p> <p>5 Q. Do you know approximately when that was?</p> <p>6 A. I don't remember.</p> <p>7 Q. Okay. And did you actually end up selling</p> <p>8 your house?</p> <p>9 A. No.</p> <p>10 Q. Okay. What -- what happened with your</p> <p>11 house?</p> <p>12 A. Wells Fargo Bank took it back.</p> <p>13 Q. Say it one more time.</p> <p>14 A. Wells Fargo -- Wells Fargo Bank took back</p> <p>15 the house.</p> <p>16 Q. Does that mean that Wells Fargo foreclosed</p> <p>17 on the house?</p> <p>18 A. Yes.</p> <p>19 Q. Had you stopped making payments?</p> <p>20 A. Yes.</p> <p>21 Q. Were your children born at the time?</p> <p>22 A. Yes, my children were born at that time.</p> <p>23 Q. Do you remember approximately how old they</p> <p>24 were at the time?</p> <p>25 MR. BROWN: Just to be clear, you're</p>
Page 27	Page 29
<p>1 A. About the same time I purchased the house,</p> <p>2 I remember. But I don't remember exact date. About</p> <p>3 same time.</p> <p>4 Q. At -- so about approximately -- let me</p> <p>5 make sure I've got this straight. Approximately ten</p> <p>6 years after you started working at Adara</p> <p>7 Communities, you purchased the house on Shadow Lane;</p> <p>8 is that correct?</p> <p>9 A. I remember I --</p> <p>10 Q. Or Hidden Shadow Lane. Excuse me.</p> <p>11 A. I worked there first, and then I purchased</p> <p>12 the house.</p> <p>13 Q. How long had you worked at Adara</p> <p>14 Communities before you purchased the house?</p> <p>15 A. I don't remember.</p> <p>16 Q. Do you think it was a long time, though?</p> <p>17 A. Probably a long time.</p> <p>18 Q. Do you remember it being a long time?</p> <p>19 A. Something like that.</p> <p>20 Q. More than a year?</p> <p>21 A. I don't remember.</p> <p>22 Q. Was it more than several years?</p> <p>23 A. I don't remember when I purchased the</p> <p>24 house.</p> <p>25 Q. Did you decide to sell the house?</p>	<p>1 talking about the time the house was foreclosed?</p> <p>2 MS. MOORE: Yes.</p> <p>3 MR. BROWN: Okay.</p> <p>4 A. They were young kids, little kids. That's</p> <p>5 all I remember.</p> <p>6 Q. (BY MS. MOORE) So you decided to set up a</p> <p>7 business at that time, correct?</p> <p>8 A. Yes.</p> <p>9 Q. What -- what business was that?</p> <p>10 A. Signature Beauty Show.</p> <p>11 Q. And why did you want to set up that</p> <p>12 business?</p> <p>13 A. To help my wife build a business.</p> <p>14 Q. Help your wife do what? I'm sorry.</p> <p>15 A. Build a business, to start a business.</p> <p>16 Q. Where did the money come from in order</p> <p>17 to -- to open this shop -- this business?</p> <p>18 A. From my savings.</p> <p>19 Q. How much in savings did you spend?</p> <p>20 A. I don't remember.</p> <p>21 Q. So did you put your house up on the market</p> <p>22 at the --</p> <p>23 A. No.</p> <p>24 Q. Okay. So you didn't decide to sell your</p> <p>25 house, then?</p>

8 (Pages 26 to 29)

Videotaped Deposition of Itani Milleni

Page 30	Page 32
<p>1 A. We talked about it, but we didn't do it.</p> <p>2 Q. So instead, you set up a business, spent</p> <p>3 your savings on the business to start the -- to</p> <p>4 start the business, correct?</p> <p>5 A. And my wife from -- we start a business</p> <p>6 with my money and with my wife's money.</p> <p>7 Q. So you said your -- your money. What</p> <p>8 money are you referring to? Is that your savings?</p> <p>9 A. My savings, yes.</p> <p>10 Q. Did you and Tuyet have separate savings</p> <p>11 accounts?</p> <p>12 A. No. We used the same account.</p> <p>13 Q. Okay. When you said your wife's money,</p> <p>14 what are you talking about? Was it in a different</p> <p>15 account?</p> <p>16 A. I remember that her sister called me and</p> <p>17 asked me about my wife's money, and I didn't know my</p> <p>18 wife has her own money. And now, later, I realized</p> <p>19 she put some of her money in the business too.</p> <p>20 Q. Okay. Let's -- let's back up just a</p> <p>21 little bit --</p> <p>22 A. Yeah.</p> <p>23 Q. -- because I think I -- you may have lost</p> <p>24 me there, so we're just going to back up just a</p> <p>25 little.</p>	<p>1 and tell you that?</p> <p>2 A. Yes.</p> <p>3 Q. Why?</p> <p>4 A. I don't know.</p> <p>5 Q. Had you talked with her before since</p> <p>6 leaving Vietnam, talked -- let me ask a better</p> <p>7 question.</p> <p>8 Had you talked with Tuyet's sister, Lien,</p> <p>9 since leaving Vietnam?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So you had kept in contact with</p> <p>12 her?</p> <p>13 A. No.</p> <p>14 Q. So did you -- how did you communicate with</p> <p>15 her?</p> <p>16 A. After my wife's death.</p> <p>17 Q. Did you communicate with her before your</p> <p>18 wife's death?</p> <p>19 A. Only one or two times, but I don't keep in</p> <p>20 contact with her family.</p> <p>21 Q. So you're not saying that at the time that</p> <p>22 you opened the business you -- did you get a call</p> <p>23 from Tuyet's sister telling you that Tuyet had a</p> <p>24 separate savings account or separate money stashed</p> <p>25 away somewhere?</p>
Page 31	Page 33
<p>1 A. Yeah.</p> <p>2 Q. You said you and your wife discussed</p> <p>3 opening a business, correct?</p> <p>4 A. Right.</p> <p>5 Q. Okay. And you decided to put some of what</p> <p>6 you said was your money, your savings --</p> <p>7 A. Correct.</p> <p>8 Q. -- into the business, correct?</p> <p>9 A. Correct.</p> <p>10 Q. But you and your wife only had one savings</p> <p>11 account --</p> <p>12 A. Correct.</p> <p>13 Q. -- as far as you knew at the time?</p> <p>14 A. Correct.</p> <p>15 Q. So why wasn't that her money too?</p> <p>16 A. She has her own cash. I found out she has</p> <p>17 her own cash.</p> <p>18 Q. Okay. And how did you find that out</p> <p>19 again?</p> <p>20 A. Her sister in Vietnam called me --</p> <p>21 Q. Which sister was this?</p> <p>22 A. -- and told me about it.</p> <p>23 Q. I apologize. Which sister is this?</p> <p>24 A. Lien, L-i-e-n.</p> <p>25 Q. Did she just call you up out of the blue</p>	<p>1 A. Cash, not account. Cash, not bank</p> <p>2 account.</p> <p>3 Q. And that was at the time that you were</p> <p>4 going to start the business?</p> <p>5 A. After.</p> <p>6 Q. When?</p> <p>7 A. After her death. That's when her sister</p> <p>8 called, after her death.</p> <p>9 Q. She called you after -- after Tuyet's</p> <p>10 death and said that -- that Tuyet had money?</p> <p>11 A. Yes, cash money. It was not in the bank.</p> <p>12 Q. And why did she tell you that, if you</p> <p>13 know?</p> <p>14 A. I think I know why.</p> <p>15 Q. Why?</p> <p>16 A. After my wife's death, she called me and</p> <p>17 asked me if I know any -- what happened to Tuyet's</p> <p>18 money, \$17,000, that she has in cash.</p> <p>19 Q. Are you saying that --</p> <p>20 A. She asked me about that \$17,000 cash out</p> <p>21 of the blue.</p> <p>22 Q. Okay. And what did you say to her about</p> <p>23 that?</p> <p>24 A. I don't know. I say, I don't know.</p> <p>25 Q. Would it have --</p>

9 (Pages 30 to 33)

Videotaped Deposition of Itani Milleni

Page 34	Page 36
<p>1 A. I never heard of \$17,000. That was the 2 first time. 3 Q. Had you ever seen your wife with that much 4 cash? 5 A. No. Only my own money from working at 6 Adara Communities. 7 Q. Did you consider the money that you earned 8 from Adara Communities to be yours or to be yours 9 and Tuyet's? 10 MR. BROWN: Objection; form. 11 A. Both of us. 12 Q. (BY MS. MOORE) Can you answer the 13 question? 14 A. Both of us. 15 Q. Okay. So how much money from your savings 16 did you put into the business at the time that you 17 started it? 18 A. I don't -- 19 MR. BROWN: Objection; asked and 20 answered. 21 Q. (BY MS. MOORE) How -- you can answer the 22 question. 23 A. I don't remember how much. 24 Q. Do you have a ballpark? Do you think it 25 was more than \$10,000?</p>	<p>1 Street. 2 Q. And that was in Houston? 3 A. Yes. 4 Q. So you went from Hidden Shadow Lane to 5 9 -- to -- to Sandstone Street; is that correct? 6 A. Right. 7 Q. Okay. Do you remember approximately when 8 that was? 9 A. No, I don't remember. 10 Q. Did you purchase the home on 9226 11 Sandstone, or did you rent it? 12 A. We rent it. 13 Q. So of all the -- the -- we've talked about 14 9226 Sandstone. We've talked about Hidden Shadow 15 Lane. 16 A. Yes. 17 Q. We talked about an apartment in -- did you 18 say Tidwell? 19 A. Tidwell. 20 Q. Tidwell. Are there any other residences 21 that you lived with your wife that you can remember? 22 A. We moved -- before I purchased the house, 23 we moved to some apartment. I don't remember the 24 name. 25 Q. Had you ever --</p>
Page 35	Page 37
<p>1 A. Yes. 2 Q. Okay. Do you think it was more than 3 \$20,000? 4 A. No. 5 Q. So somewhere between 10 and \$20,000? 6 A. I think. I think. 7 Q. So you had young children at the time, 8 correct? 9 A. Yes. 10 Q. And you decided to start a business, used 11 your savings, 10 to \$20,000, correct? 12 A. Yes. 13 Q. And then let your house go into 14 foreclosure at the same time -- 15 A. Yes. 16 Q. -- is that correct? 17 A. Yes, ma'am. 18 Q. Okay. All right. Where did you go after 19 your house was foreclosed on? 20 A. To Bellaire -- we moved to Chinatown in 21 Houston -- 22 Q. What was -- 23 A. -- on Bellaire Boulevard. 24 Q. Do you remember the address? 25 A. Sand -- Sandstone Street. Sandstone</p>	<p>1 A. I don't remember where. 2 Q. Had you ever purchased any other homes? 3 A. No. That's the only home I first 4 purchased in the United States. 5 Q. Okay. Was there a time that you began 6 subletting any of your residences to tenants, other 7 people -- let other people live there? 8 A. Say that again. 9 Q. I said was there a time when you decided 10 to let other people live there in any of your places 11 you've lived, you know, to rent from you? 12 A. Yes. 13 Q. There was. Okay. 14 When was the first time that you allowed 15 tenants to live with you? 16 A. When we moved to Sandstone, we rented that 17 house. And then we had a vacant room, and we rented 18 out the vacant room. 19 Q. So that was the very first time that you 20 had ever rented out a room? 21 A. Yes, first time. 22 (Off-the-record discussion.) 23 (Exhibit No. 1 was marked.) 24 Q. (BY MS. MOORE) Mr. Milleni, I'm going to 25 hand you what I've marked as your</p>

10 (Pages 34 to 37)

Videotaped Deposition of Itani Milleni

Page 38	Page 40
<p>1 Deposition Exhibit 1.</p> <p>2 Mr. Milleni, I represent to you that</p> <p>3 these are some answers to interrogatories that we</p> <p>4 had asked you to answer, as well as some responses</p> <p>5 to requests for production that you -- that you</p> <p>6 answered. Do you remember answering questions,</p> <p>7 written questions, that we sent you?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And did you realize that those</p> <p>10 questions that you were answering were under oath?</p> <p>11 A. Yes.</p> <p>12 Q. And that it's the same thing as if you're</p> <p>13 testifying in front of a judge or a jury. That's</p> <p>14 the same thing as when you provided answers in</p> <p>15 responses to these interrogatories. Did you</p> <p>16 understand that?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And is everything that you've stated in</p> <p>19 your interrogatories true?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. Will you please turn to Page 5 of</p> <p>22 Exhibit 1. Okay. Will you look at Interrogatory</p> <p>23 No. 7? Do you see it?</p> <p>24 A. Yes.</p> <p>25 Q. And you were asked to identify any tenants</p>	<p>1 Q. And you said that he stayed there for a</p> <p>2 short time?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And how short would you say?</p> <p>5 A. Two months.</p> <p>6 Q. Were there any other tenants that you</p> <p>7 subletted to when you lived at 9226 Sandstone?</p> <p>8 A. No. That was it.</p> <p>9 Q. And so your testimony under oath?</p> <p>10 A. Yes.</p> <p>11 Q. Right? So the jury can rely on this</p> <p>12 testimony the same as it can for the testimony that</p> <p>13 you're going to give for everything else under oath</p> <p>14 today, correct?</p> <p>15 A. That's all I remember.</p> <p>16 Q. Okay. It's the only two?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And you don't remember the other</p> <p>19 gentleman's name?</p> <p>20 A. No.</p> <p>21 Q. But he was only there about two months,</p> <p>22 you said?</p> <p>23 A. Yes.</p> <p>24 Q. Tell me about Robbins Mitchell. What</p> <p>25 was -- how did -- how did he come to be a tenant at</p>
Page 39	Page 41
<p>1 living at 9226 Sandstone, Houston, Texas 77036 while</p> <p>2 you were married to Tuyet Tran, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And the answer you gave is that it</p> <p>5 was yourself, your wife, two children, and a</p> <p>6 roommate by the name of Robbins Mitchell, correct?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. And is that truthful? Is that all</p> <p>9 the tenants that lived at 9226 Sandstone while you</p> <p>10 were married to Tuyet Tran?</p> <p>11 A. Yes. Before Robbins Mitchell, there was</p> <p>12 another tenant, but he moved out, and then Robbins</p> <p>13 Mitchell came in and --</p> <p>14 Q. Okay. So there were other tenants that</p> <p>15 lived at 9226 Sandstone, correct?</p> <p>16 A. Yes.</p> <p>17 Q. I want you to identify all tenants that</p> <p>18 you subletted to while you lived at 9226 Sandstone.</p> <p>19 A. I don't remember his name. He stayed</p> <p>20 there shortly.</p> <p>21 Q. Okay. So it was a man?</p> <p>22 A. A man.</p> <p>23 Q. You don't remember his name?</p> <p>24 A. I don't remember his name. He's an Indian</p> <p>25 guy. That's all I remember.</p>	<p>1 your house at 9226 Sandstone?</p> <p>2 A. When the Indian guy left, we had a vacant</p> <p>3 room, so I was looking for another tenant. So I met</p> <p>4 Robbins Mitchell online.</p> <p>5 Q. Did you post the vacancy online? Did you</p> <p>6 post something?</p> <p>7 A. Yes.</p> <p>8 Q. Where -- what -- what media outlet did you</p> <p>9 post on?</p> <p>10 A. Craigslist.</p> <p>11 Q. So you posted for a -- a room on</p> <p>12 Craigslist?</p> <p>13 A. Yes.</p> <p>14 Q. And Robbins Mitchell responded to your</p> <p>15 Craigslist ad?</p> <p>16 A. Yes.</p> <p>17 Q. Did he respond in writing, or did he call</p> <p>18 you?</p> <p>19 A. He called me.</p> <p>20 Q. For the prior tenant, had you done the</p> <p>21 same thing? Had you posted an ad on Craigslist?</p> <p>22 A. Yes.</p> <p>23 Q. And you spoke with Robbins Mitchell. And</p> <p>24 did you -- how much did you charge him to rent a</p> <p>25 room at your house?</p>

11 (Pages 38 to 41)

Videotaped Deposition of Itani Milleni

Page 42	Page 44
<p>1 A. I don't remember. What, \$500?</p> <p>2 Q. How much did you charge the other tenant</p> <p>3 that you've identified?</p> <p>4 A. Probably \$500 also.</p> <p>5 Q. And Robbins Mitchell, what -- what did he</p> <p>6 do at the time? What was his occupation?</p> <p>7 A. He said he worked on computers doing some</p> <p>8 tradings, import/export of products.</p> <p>9 Q. Did you meet with Mr. Mitchell before you</p> <p>10 let him come live with you? Did you meet him in</p> <p>11 person?</p> <p>12 A. Yes.</p> <p>13 Q. Did you -- after you met him, you decided</p> <p>14 to let him come and live with you, correct?</p> <p>15 A. Yes, to rent the room.</p> <p>16 Q. When did he move in?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember approximately how long it</p> <p>19 was before your wife's death that he moved in?</p> <p>20 A. I don't remember. Maybe months, two</p> <p>21 months.</p> <p>22 Q. Did you have any concerns about him living</p> <p>23 at your house?</p> <p>24 A. No.</p> <p>25 Q. Do you still keep in touch with</p>	<p>1 Q. And is everything true in this -- this</p> <p>2 answer to your Interrogatory No. 1?</p> <p>3 A. Yes, ma'am, it's true.</p> <p>4 Q. Okay. So it looks like in -- between 1994</p> <p>5 and 1996, you were at Smith Barney as a financial</p> <p>6 analyst, and you left because you wanted to start a</p> <p>7 business.</p> <p>8 What business was that?</p> <p>9 A. After I left Smith Barney?</p> <p>10 Q. Yes.</p> <p>11 A. I don't remember what business I wanted to</p> <p>12 start.</p> <p>13 Q. Did you start the business?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. Probably I didn't have money to start the</p> <p>17 business.</p> <p>18 Q. So why did you leave if you didn't have</p> <p>19 the money to start the business? You said the</p> <p>20 reason for leaving was that you wanted to start your</p> <p>21 own business.</p> <p>22 A. Right.</p> <p>23 MR. BROWN: Objection; form.</p> <p>24 Relevance.</p> <p>25 Q. (BY MS. MOORE) You can answer.</p>
Page 43	Page 45
<p>1 Mr. Mitchell?</p> <p>2 A. Yes.</p> <p>3 Q. How often do you talk?</p> <p>4 A. Maybe -- whenever I come to Houston, I</p> <p>5 call him or he call me.</p> <p>6 Q. Would you say it's about -- how often do</p> <p>7 you come to Houston?</p> <p>8 A. Not very often.</p> <p>9 Q. So do you --</p> <p>10 A. Rarely.</p> <p>11 Q. Rarely?</p> <p>12 A. Yeah, rarely. Yes.</p> <p>13 Q. Let's go to Interrogatory Answer No. 1,</p> <p>14 which is on Page 3.</p> <p>15 In this interrogatory you were asked</p> <p>16 essentially what your employment history was --</p> <p>17 A. Right.</p> <p>18 Q. -- correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And you've listed names of</p> <p>21 employers, when you were employed, what you did and</p> <p>22 the reason for --</p> <p>23 A. Right.</p> <p>24 Q. -- leaving, correct?</p> <p>25 A. Yes.</p>	<p>1 MR. BROWN: You can answer.</p> <p>2 A. I wanted to start a business to do</p> <p>3 something.</p> <p>4 Q. (BY MS. MOORE) Okay. But you didn't</p> <p>5 and --</p> <p>6 A. Correct. I didn't.</p> <p>7 Q. Okay. Then what did you do -- where did</p> <p>8 you go to work next -- or actually, it looks like</p> <p>9 the next one you have listed here is in 2000 with</p> <p>10 Time Warner Cable, correct?</p> <p>11 A. Right.</p> <p>12 Q. It looks like a four-year gap between your</p> <p>13 time at Smith Barney and Time Warner Cable. Were</p> <p>14 you doing anything to earn money during those four</p> <p>15 years?</p> <p>16 MR. BROWN: Objection; form.</p> <p>17 Relevance.</p> <p>18 Q. (BY MS. MOORE) You can answer.</p> <p>19 A. Probably I didn't make any money.</p> <p>20 Q. You made no money in the four years</p> <p>21 between 1996 and 2000?</p> <p>22 A. Probably I didn't make any money, no.</p> <p>23 Q. So you voluntarily left a job --</p> <p>24 A. Yes.</p> <p>25 Q. -- you had, correct?</p>

12 (Pages 42 to 45)

Videotaped Deposition of Itani Milleni

Page 46	Page 48
<p>1 A. Right.</p> <p>2 Q. To open a business you didn't open?</p> <p>3 A. No.</p> <p>4 Q. To make no money?</p> <p>5 A. No.</p> <p>6 MR. BROWN: Objection; form.</p> <p>7 Q. (BY MS. MOORE) Okay.</p> <p>8 MR. BROWN: Relevance.</p> <p>9 Q. (BY MS. MOORE) Let's go to -- all right.</p> <p>10 So the reason for your leaving Time Warner Cable is</p> <p>11 that you wanted a different job, correct -- a</p> <p>12 different type of job? Excuse me.</p> <p>13 A. Yes.</p> <p>14 Q. Is that a true statement?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. I was not happy with what I -- what I was</p> <p>18 doing.</p> <p>19 Q. Were you terminated from Time Warner</p> <p>20 Cable?</p> <p>21 A. No.</p> <p>22 Q. So you were not fired from Time Warner</p> <p>23 Cable?</p> <p>24 A. I don't remember. I left Time Warner</p> <p>25 Cable.</p>	<p>1 A. Yes.</p> <p>2 Q. Were you fired?</p> <p>3 A. No.</p> <p>4 (Exhibit No. 2 was marked.)</p> <p>5 Q. (BY MS. MOORE) Mr. Milleni, I'm handing</p> <p>6 you what's marked as Deposition Exhibit 2.</p> <p>7 Do you recall during the CPS</p> <p>8 investigation doing an evaluation with the</p> <p>9 Children's Crisis Care Center?</p> <p>10 A. I remember.</p> <p>11 Q. Okay. And do you remember the interviewer</p> <p>12 was Susan Hand, correct?</p> <p>13 Do you see that? Let's go to Page</p> <p>14 1 -- or excuse me. If you look down at the bottom</p> <p>15 left-hand side, there's numbers, and you see</p> <p>16 TRAN 430?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So on that page let's go to the top</p> <p>19 of that page. Under Family Evaluation, it has your</p> <p>20 name at the time, Trang Vu, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And the names of your children, H [REDACTED] and</p> <p>23 D [REDACTED], correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And it appears you gave this</p>
Page 47	Page 49
<p>1 Q. You don't remember if you were fired or</p> <p>2 not?</p> <p>3 A. No, I don't remember.</p> <p>4 Q. Okay. Did you have any other employment</p> <p>5 between the time you went from Time Warner Cable</p> <p>6 until the time you went to La Quinta Hotel?</p> <p>7 A. I remember I got another job there at</p> <p>8 La Quinta Hotel. I remember that.</p> <p>9 Q. But no other jobs between Time Warner</p> <p>10 Cable --</p> <p>11 A. No.</p> <p>12 Q. -- and La Quinta?</p> <p>13 And you were a front desk attendant at</p> <p>14 the hotel; is that correct?</p> <p>15 A. Yes. Correct.</p> <p>16 Q. Okay. And why did you leave that</p> <p>17 employment?</p> <p>18 MR. BROWN: Objection; form.</p> <p>19 Relevance.</p> <p>20 Q. (BY MS. MOORE) You can answer.</p> <p>21 A. I think from there, I went to Adara</p> <p>22 Communities, yeah. Correct.</p> <p>23 Q. And so the reason for leaving you've</p> <p>24 listed is "I wanted to become an accountant"; is</p> <p>25 that true?</p>	<p>1 interview approximately -- it looks like September</p> <p>2 3rd, 2015; is that correct?</p> <p>3 A. I don't remember --</p> <p>4 Q. Okay.</p> <p>5 A. -- the date.</p> <p>6 Q. But do you remember -- and the interviewer</p> <p>7 was Susan Hand. Do you remember her?</p> <p>8 A. I remember an African-American lady, but I</p> <p>9 don't remember her name.</p> <p>10 Q. But you remember speaking with her in</p> <p>11 connection with this evaluation, correct?</p> <p>12 A. I remember, yes.</p> <p>13 Q. Okay. If you go to Page TRAN 435, which</p> <p>14 is...</p> <p>15 Okay. There -- do you see there's a</p> <p>16 Subsection D that says Current Living Arrangements?</p> <p>17 A. Right.</p> <p>18 Q. Okay. And the first paragraph says, you</p> <p>19 know, "Mr. Vu has been living alone at 1019 Gold</p> <p>20 Point Drive, Number 1106, Houston, Texas 77064 since</p> <p>21 August 15th, 2015."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Was that correct at the time? Had you</p> <p>25 been living -- did you move from your Sandstone</p>

13 (Pages 46 to 49)

Videotaped Deposition of Itani Milleni

Page 50	Page 52
<p>1 house to 1019 Gold Point Drive?</p> <p>2 A. I don't remember Gold Point Drive.</p> <p>3 Q. It says it was a one-bedroom apartment and</p> <p>4 you paid \$750 a month.</p> <p>5 A. I don't remember that.</p> <p>6 Q. Okay.</p> <p>7 A. Gold Point Drive. I remember Gold Point</p> <p>8 Drive, but I don't remember living there.</p> <p>9 Q. Okay. And then --</p> <p>10 A. I'm sorry.</p> <p>11 Q. That's okay. And prior to the --</p> <p>12 A. I don't remember.</p> <p>13 Q. And then it says prior to this address,</p> <p>14 you lived at 9226 Sandstone for two years with your</p> <p>15 wife and children.</p> <p>16 A. Yes, I remember Sandstone.</p> <p>17 Q. Okay. Do you think you were there about</p> <p>18 two years, then? Is that right?</p> <p>19 A. I don't remember how long I stayed there.</p> <p>20 Q. Okay. If you'll skip down to the third</p> <p>21 paragraph under that Subsection D. You told the</p> <p>22 interviewer that prior to working at Adara, you</p> <p>23 worked as a hotel receptionist for about a year.</p> <p>24 That was your job at La Quinta, correct?</p> <p>25 A. Yes, I worked there.</p>	<p>1 Q. Okay. This paragraph goes on to say that</p> <p>2 after your job at Time Warner, you worked at</p> <p>3 Walgreens as an assistant manager, correct?</p> <p>4 A. I remember I work at Walgreens, yes.</p> <p>5 Q. Okay. Was Walgreens one of the places</p> <p>6 that you listed in your response to our</p> <p>7 Interrogatory No. 1? Let's go back to it. Go back</p> <p>8 to Exhibit 1.</p> <p>9 A. I don't remember. Where is that?</p> <p>10 Q. Go back to --</p> <p>11 MR. BROWN: It's in the other</p> <p>12 document.</p> <p>13 A. I don't see Walgreens here.</p> <p>14 Q. (BY MS. MOORE) Okay.</p> <p>15 A. But I remember I worked at Walgreens for a</p> <p>16 short period of time.</p> <p>17 Q. Okay.</p> <p>18 A. But I didn't list it here. Sorry. I</p> <p>19 don't remember Walgreens.</p> <p>20 Q. During your marriage, were you the primary</p> <p>21 earner? Did -- are you the one that made the money</p> <p>22 in the marriage?</p> <p>23 A. Yes.</p> <p>24 Q. Did Tuyet have any jobs while you were --</p> <p>25 while you were married?</p>
Page 51	Page 53
<p>1 Q. And then you told this interviewer that</p> <p>2 you were fired from that job because you made</p> <p>3 inappropriate comments to a female coworker; is that</p> <p>4 true?</p> <p>5 A. No.</p> <p>6 Q. Okay. In 2003, it says that you were</p> <p>7 employed as a sales and technology individual at</p> <p>8 Time Warner Cable, that you worked there</p> <p>9 approximately one year before you were terminated.</p> <p>10 You told the interviewer that you were</p> <p>11 fired for not following company policy in making new</p> <p>12 sales; is that true?</p> <p>13 A. I don't remember, but I remember I made</p> <p>14 some mistakes there about making the sales.</p> <p>15 Q. So you were terminated, then, from Time</p> <p>16 Warner Cable, correct?</p> <p>17 A. I was terminated. I remember, yes.</p> <p>18 Q. But it's still your position you were not</p> <p>19 terminated from La Quinta Hotel?</p> <p>20 A. Say it again.</p> <p>21 Q. I said you were not -- your -- your</p> <p>22 testimony under oath is that you were not fired from</p> <p>23 La Quinta -- La Quinta Hotel?</p> <p>24 A. I remember. No, I was not terminated from</p> <p>25 La Quinta Hotel.</p>	<p>1 A. No.</p> <p>2 Q. So she didn't work at a nail salon or any</p> <p>3 other type of employment while y'all were married?</p> <p>4 A. No, I don't remember that she worked</p> <p>5 anywhere.</p> <p>6 Q. So was she staying at home and -- and</p> <p>7 looking after the children?</p> <p>8 A. Yes.</p> <p>9 Q. Was she a good mom?</p> <p>10 A. I -- yes, she's good mom.</p> <p>11 Q. Did she love her children?</p> <p>12 A. Yes, she loved her children.</p> <p>13 MR. BROWN: Megan, we've been going</p> <p>14 about an hour. When you're at a stopping place, can</p> <p>15 we take a break?</p> <p>16 MS. MOORE: Let me just finish. I'm</p> <p>17 almost there.</p> <p>18 MR. BROWN: All right.</p> <p>19 Q. (BY MS. MOORE) You said you decided to</p> <p>20 form a business in order to -- to give your wife --</p> <p>21 you wanted your wife to have a business --</p> <p>22 A. Yes.</p> <p>23 Q. -- at some point, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And that was -- the business you're</p>

14 (Pages 50 to 53)

Videotaped Deposition of Itani Milleni

Page 54	Page 56
<p>1 referring to is the Signature Beauty Show?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And do you know -- when was that</p> <p>4 business formed?</p> <p>5 A. I don't remember.</p> <p>6 Q. Did she work at that business while you</p> <p>7 were married?</p> <p>8 A. Yes.</p> <p>9 Q. And so she did work, then. Was that a job</p> <p>10 that she had while you were married?</p> <p>11 A. Say -- say it again. Sorry.</p> <p>12 Q. Is that a job that she had while you were</p> <p>13 married?</p> <p>14 A. Yes.</p> <p>15 Q. What did she do at Signature Beauty Show?</p> <p>16 A. She works there every day. She run the</p> <p>17 business.</p> <p>18 Q. And so did she handle all of the money?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Did you start the business on your own?</p> <p>21 A. We both started the business.</p> <p>22 Q. Was it just you and your wife?</p> <p>23 A. Yes.</p> <p>24 Q. Did anybody else join as a business</p> <p>25 partner in this business?</p>	<p>1 MR. BROWN: To the extent you know.</p> <p>2 A. We partner with another teacher. My wife</p> <p>3 didn't really teach how to do nails and eyelash. We</p> <p>4 partner with another teacher professional.</p> <p>5 Q. (BY MS. MOORE) Who was that?</p> <p>6 A. Calvin and his wife. Calvin and his wife.</p> <p>7 They're professionals from California state.</p> <p>8 Q. Okay.</p> <p>9 MS. MOORE: We can take a break.</p> <p>10 MR. BROWN: Okay.</p> <p>11 THE VIDEOGRAPHER: Going off the</p> <p>12 record. The time is 11:02 a.m.</p> <p>13 (Break from 11:02 a.m. to 11:12 a.m.)</p> <p>14 THE VIDEOGRAPHER: We're back on the</p> <p>15 record. The time is 11:12 a.m.</p> <p>16 Q. (BY MS. MOORE) Mr. Milleni, I'm handing</p> <p>17 you what I've marked as your Exhibit 3 and 4. Okay.</p> <p>18 If you'll go to Exhibit 3 first.</p> <p>19 (Exhibit Nos. 3 and 4 were marked.)</p> <p>20 Q. (BY MS. MOORE) This is a Certificate of</p> <p>21 Formation for a Limited Liability Company, SBS</p> <p>22 Beauty LLC.</p> <p>23 Do you see that?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And it shows the name Signature Beauty</p>
Page 55	Page 57
<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Who was that?</p> <p>3 A. Cindy and Hai Pham, H-a-i, P-h-a-m, Hai</p> <p>4 Pham, and Cindy.</p> <p>5 Q. And Cindy, what's Cindy's last name?</p> <p>6 A. I don't remember her last name.</p> <p>7 Q. Okay. What was the nature of the business</p> <p>8 of Signature Beauty Show? What did -- what services</p> <p>9 did it provide?</p> <p>10 A. We show students how to do nails and</p> <p>11 eyelash.</p> <p>12 Q. So it wasn't like a nail salon where</p> <p>13 people or a customer could come in and get their</p> <p>14 nails done or something along those lines? It was</p> <p>15 more of a school?</p> <p>16 A. We do service like that too, but mainly we</p> <p>17 do -- we teach students, but we do also accept</p> <p>18 walk-in, do nails, and eyelash, and we take -- we</p> <p>19 accept money, yes.</p> <p>20 Q. If your wife had never had any other jobs,</p> <p>21 how did she know how to do these services,</p> <p>22 especially enough to teach them?</p> <p>23 MR. BROWN: Objection; calls for</p> <p>24 speculation.</p> <p>25 Q. (BY MS. MOORE) You can answer.</p>	<p>1 Show, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So the date of the filing at the</p> <p>4 upper right-hand corner is May 25th, 2015, correct?</p> <p>5 A. I don't remember --</p> <p>6 Q. Okay.</p> <p>7 A. -- the filing date for Signature Beauty</p> <p>8 Show. I don't remember.</p> <p>9 Q. But does the date reflected on the</p> <p>10 document say May 25th, 2015?</p> <p>11 A. Yes. Correct.</p> <p>12 Q. The address is 10800 Bellaire Boulevard,</p> <p>13 Suite D, Houston, Texas 77072. Is that the address</p> <p>14 of Signature Beauty Show?</p> <p>15 A. Yes. Correct.</p> <p>16 Q. And it shows that the managing member --</p> <p>17 one of the managing members is Tuyet Tran. Do you</p> <p>18 see where it says that?</p> <p>19 A. Yes.</p> <p>20 Q. And then one of the managing members is</p> <p>21 Hai Pham, correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. So were there -- tell me about</p> <p>24 Hai Pham. How long have you known Hai Pham?</p> <p>25 A. Hai Pham is my wife's friend, and that's</p>

15 (Pages 54 to 57)

Videotaped Deposition of Itani Milleni

Page 58	Page 60
<p>1 how I know him, through -- from my wife. 2 Q. Did you consider him a friend? 3 A. My wife's friend. 4 Q. Did you consider him a friend? 5 A. Yes. 6 Q. How long had you known him? 7 A. When we started the business. 8 Q. So you had only known him since May of 9 2015? 10 A. Yes. 11 Q. The business started in May of 2015? 12 A. I don't remember when I started the 13 business there. 14 Q. Was the business operating before there 15 was something filed with the Texas Secretary of 16 State? 17 MR. BROWN: Objection; form. 18 A. I don't remember. 19 Q. (BY MS. MOORE) Do you still keep in touch 20 with Hai Pham? 21 A. No. 22 Q. When's the last time you've spoken with 23 him? 24 A. After my wife's death. 25 Q. Where was that conversation?</p>	<p>1 get into it. 2 Q. What was the -- 3 A. All I know is that he's a partner, but I 4 don't know how much. 5 Q. So what was the deal between Hai and your 6 wife? 7 A. That he invest in the business, a partner 8 there, run the business with my wife. 9 Q. Had your wife ever owned a business 10 before? 11 A. No. 12 Q. And I believe you already testified 13 earlier that she had never had a job -- 14 A. No. 15 Q. -- before? 16 A. No. 17 Q. Did she want to own a business? 18 A. Yes. 19 Q. Did she ask to own a business? 20 A. Yes. 21 Q. And you didn't have any problems with her 22 owning a business? 23 A. No, no problem at all. I support her. 24 Everything she wanted, I support her. 25 Q. You support her in everything?</p>
Page 59	Page 61
<p>1 A. At the -- at the shop, Bellaire Boulevard, 2 Bellaire Boulevard. 3 Q. When? 4 A. After my wife's death, I had a meeting 5 with him there. 6 Q. What did you discuss? 7 A. I don't remember exactly what happened, 8 but I told -- I told -- I told him we just need to 9 close the business and it's not going to work. And 10 I told him sorry about his investment. 11 Q. How much did he invest? 12 A. I don't know. 13 Q. You said that Cindy was another business 14 partner; is that correct? 15 A. Yes. 16 Q. How much did Cindy invest? 17 A. I don't know. 18 Q. Did either Hai -- actually, let me ask it 19 like this. Did -- did Hai invest more money than 20 you did? 21 A. I don't know how much he put in the 22 business. 23 Q. But was it more -- do you know if it was 24 more than what you -- what you invested? 25 A. He had a deal with my wife, and I didn't</p>	<p>1 A. Everything. 2 Q. All right. Mr. Milleni, I want to talk 3 about the day that -- that -- that Tuyet Tran died, 4 okay? 5 A. Yes, ma'am. 6 Q. So there was a -- at the Signature Beauty 7 Show, there was a class on July 20th, 2015; is that 8 correct? 9 A. Yes. I remember. 10 Q. How many students were in the class that 11 day? 12 A. It was full. It was full. A lot of 13 people there. About 20, 25 students. 14 Q. And who were the teachers that day? 15 A. Anna, Calvin, and his wife. 16 Q. Do you remember his wife's name, Calvin's 17 wife's name? 18 A. I don't remember her name. Sorry. 19 Q. Was your wife teaching that day too? 20 A. Yes. She's kind of helping with the 21 students, teach them what she know. 22 Q. So that morning were you -- did you 23 have -- did you have work that day? 24 A. Yes, I worked that day too. 25 Q. Okay. Do you remember what time you got</p>

16 (Pages 58 to 61)

Videotaped Deposition of Itani Milleni

Page 62	Page 64
<p>1 to work?</p> <p>2 A. In the morning. I don't remember what</p> <p>3 time. 8 o'clock in the morning.</p> <p>4 Q. What were your typical -- and this was --</p> <p>5 you were working at Adara Communities; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. What were your typical hours?</p> <p>9 A. 8 to 6 o'clock. From 8:00 to 6:00.</p> <p>10 Q. Did you talk with Tuyet in the morning?</p> <p>11 A. No. Of the day that she died?</p> <p>12 Q. Yes.</p> <p>13 A. No.</p> <p>14 Q. Did you -- do you remember having a call</p> <p>15 that morning with a CPS caseworker by the name of</p> <p>16 Tequila Armstrong?</p> <p>17 A. On that day? No, I didn't talk with any</p> <p>18 CPS on that day.</p> <p>19 Q. You didn't talk with anybody -- with any</p> <p>20 CPS worker on July 20th, 2015?</p> <p>21 A. No.</p> <p>22 (Off-the-record discussion.)</p> <p>23 (Exhibit No. 5 was marked.)</p> <p>24 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p> <p>25 hand you what I've marked as Exhibit No. 5.</p>	<p>1 A. No, we didn't meet.</p> <p>2 Q. Let's make sure that we're talking --</p> <p>3 that -- that we're understanding each other.</p> <p>4 I know that -- that Ms. Tran was found</p> <p>5 deceased on July 21st. I'm talking about the day</p> <p>6 before, July 20th, 2015.</p> <p>7 A. Oh, okay. Now I understand what you're</p> <p>8 saying. Not on the day that they told me my wife</p> <p>9 was dead.</p> <p>10 Q. Correct.</p> <p>11 A. Okay. The day before my wife was dead, I</p> <p>12 remember -- not the day before. I remember I had</p> <p>13 been -- had ongoing conversations with the CPS</p> <p>14 caseworker about my kids, but that was it, but I</p> <p>15 don't remember the exact date.</p> <p>16 Q. Okay.</p> <p>17 A. I'm --</p> <p>18 Q. But you were at work that day?</p> <p>19 A. They called me very often at work.</p> <p>20 Q. There's a note in here that you told</p> <p>21 Mrs. Armstrong that you wanted to meet with her</p> <p>22 today so that you could better understand and that</p> <p>23 she told you that you guys can meet at the office,</p> <p>24 that she'd be at her office until 5:00 and that you</p> <p>25 said you'd come about 3:00.</p>
Page 63	Page 65
<p>1 MR. BROWN: Let me see it first.</p> <p>2 MS. MOORE: Oh, here you go. (Tenders</p> <p>3 document.)</p> <p>4 Q. (BY MS. MOORE) So, Mr. Milleni, I want</p> <p>5 you to look -- there's a -- this is an entry from</p> <p>6 one of the CPS records we've received. And there is</p> <p>7 a notation here from Tequila Armstrong on July</p> <p>8 20th, 2015, at 10:30 a.m., where she notes that she</p> <p>9 had spoken with you on the phone about meeting that</p> <p>10 day.</p> <p>11 Does that refresh your recollection</p> <p>12 that -- that you had a phone call with Tequila</p> <p>13 Armstrong from CPS at 10 -- about 10:30 that</p> <p>14 morning?</p> <p>15 A. I don't remember that I talked with CPS on</p> <p>16 that day, but I might have. I don't remember.</p> <p>17 Q. Okay. So you don't remember calling and</p> <p>18 setting up an appointment to talk with</p> <p>19 Mrs. Armstrong on July 20th, 2015?</p> <p>20 A. No, I don't remember. I -- I might have.</p> <p>21 I don't remember. It's too long ago.</p> <p>22 Q. Do you remember meeting with</p> <p>23 Mrs. Armstrong on --</p> <p>24 A. On that day?</p> <p>25 Q. -- on that day?</p>	<p>1 Do you remember leaving work early</p> <p>2 that day to go meet with Mrs. Armstrong at the CPS's</p> <p>3 offices?</p> <p>4 A. Yes, ma'am. I remember now --</p> <p>5 Q. Okay.</p> <p>6 A. -- yes. I'm sorry. I didn't remember,</p> <p>7 but I remember now. Thank you for refreshing my</p> <p>8 memory.</p> <p>9 Q. Were you at work up until that time that</p> <p>10 you went to go to CPS's offices that afternoon?</p> <p>11 A. I remember I asked my supervisor to let me</p> <p>12 leave work early so I can meet the CPS. Yes, I</p> <p>13 remember that day. Yes. But I don't remember</p> <p>14 what -- which exact day, but I remember I left work</p> <p>15 early to see her.</p> <p>16 Q. Okay. On that day before you went to that</p> <p>17 meeting, had you had any conversations that day with</p> <p>18 Tuyet Tran?</p> <p>19 A. I remember the day before she died, yes, I</p> <p>20 had talked with my wife the day before she died.</p> <p>21 Q. Did you talk with her before you had a</p> <p>22 meeting with Mrs. Armstrong?</p> <p>23 A. I don't remember. I think I talked with</p> <p>24 her before I met CPS.</p> <p>25 Q. And you did, in fact, leave work early</p>

17 (Pages 62 to 65)

Videotaped Deposition of Itani Milleni

Page 66	Page 68
<p>1 that day to go speak to the CPS caseworker, Tequila 2 Armstrong, correct? 3 A. Yes. 4 Q. Okay. And you met her about 3 o'clock 5 that afternoon? 6 A. I met her at her office. I went to her 7 office. 8 Q. Tell me about that conversation. 9 A. With CPS? 10 Q. Yes. 11 A. I remember I gave her a package for my 12 kids. I asked her to give it to my kids, something 13 I put in there. A package. I don't remember what I 14 put in there. 15 Q. What else did you discuss? 16 A. About my kids, how to get the kids back. 17 Q. Anything else? 18 A. Probably about my counseling services, the 19 requirement I've got to go through with CPS. And 20 that was it. I remember, yeah. 21 Q. Did you talk about your wife at all? 22 A. I don't remember. 23 Q. Who was your supervisor at Adara 24 Communities who you asked to leave early? 25 A. Harry, H-a-r-i.</p>	<p>1 Q. Do you remember saying that your wife had 2 barely a fifth-grade education and that she just 3 could not handle the educational needs of the 4 children? 5 A. I remember I say that I -- I'm in a better 6 position than my wife to help my children with their 7 education, academic education, because I speak 8 better English -- better English, and I can help my 9 wife -- my kids with their homework, but I didn't 10 say that my wife is not fit to raise my children, 11 no. 12 Q. You -- did you say that your children 13 would be better off in foster care and with a foster 14 family than they would be with her? 15 A. No. 16 Q. You never said that? 17 A. No, I don't remember I say that. 18 Q. Did you ask Mrs. Armstrong to tell the 19 judge to place the children -- excuse me, to not 20 place the children with your wife? 21 A. No. 22 Q. Did you ask the caseworker, 23 Mrs. Armstrong, whether or not she had met with your 24 wife? 25 A. Repeat that.</p>
Page 67	Page 69
<p>1 Q. H-A-R... 2 A. I. 3 Q. And what's his last name? 4 A. I don't remember his last name. It's -- 5 it's an Indian last name. That's all I remember. 6 It's hard to remember. 7 Q. In your conversation -- how long did your 8 conversation with Mrs. Armstrong last? 9 A. Thirty minutes. I don't remember. 10 Q. Did you get upset during that 11 conversation? 12 A. No. Everything was okay. 13 Q. So your testimony under oath is that you 14 didn't get upset? Did you raise your voice? 15 A. No. 16 Q. Did you say that -- that your wife was not 17 fit to raise your children? 18 A. I don't remember I say that. 19 Q. You could have said it. You just don't 20 remember? 21 A. I don't remember saying that. 22 Q. Do you remember testifying in a CPS 23 hearing that you did say that? 24 A. I don't remember that I say that in -- 25 with the CPS, no.</p>	<p>1 Q. Did you ask Mrs. Armstrong whether or not 2 she had already met with your wife? 3 A. I don't remember I asked a question like 4 that, no. 5 Q. So you could have. You just don't 6 remember? 7 A. I don't -- I never told CPS to meet my 8 wife. They can meet my wife anytimes. I don't ask 9 them to meet my wife. 10 Q. The question was, sir, did you ask CPS if 11 they had met with her yet? 12 A. No. 13 Q. Did you discuss with Mrs. Armstrong what 14 services that you would have to -- to do as part of 15 this process? 16 A. Yes. 17 Q. Okay. What services were those? 18 A. Parenting class, anger management, 19 domestic violence, and personal counseling. 20 Q. Did you believe at the time that it was 21 more likely that your wife would get custody of the 22 kids than you? 23 MR. BROWN: By -- 24 A. No. 25 MR. BROWN: By that time, what are you</p>

18 (Pages 66 to 69)

Videotaped Deposition of Itani Milleni

Page 70	Page 72
<p>1 referring to?</p> <p>2 Q. (BY MS. MOORE) I'm talking -- I'm talking</p> <p>3 about in this conversation that you had with</p> <p>4 Mrs. Armstrong this afternoon -- that afternoon, did</p> <p>5 you believe that it was more likely that your wife</p> <p>6 would get the children than you would?</p> <p>7 A. No --</p> <p>8 Q. Did you --</p> <p>9 A. -- I did not believe so.</p> <p>10 Q. Did you ever believe that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. When did you believe that?</p> <p>13 A. That my wife was going to get custody of</p> <p>14 the children?</p> <p>15 Q. Yes.</p> <p>16 A. Yes, I believe that. She -- we wanted my</p> <p>17 wife to get custody of the children, and I believe</p> <p>18 in that, yes.</p> <p>19 Q. When you say "we," are you talking about</p> <p>20 you and your wife?</p> <p>21 A. Yes.</p> <p>22 Q. Explain to me what you mean by that you --</p> <p>23 that you both wanted her to get custody?</p> <p>24 A. When CPS came and removed the kids from</p> <p>25 our family, we started making plans to get the kids</p>	<p>1 understanding you correctly, you're saying that the</p> <p>2 plan was to lie to CPS and say that you were going</p> <p>3 to get divorced, when, in fact, you weren't going to</p> <p>4 get divorced. You were just going to file it?</p> <p>5 A. That's correct.</p> <p>6 Q. Who came up with that plan?</p> <p>7 A. My wife, me. I had a meeting with Cindy</p> <p>8 and Ann, the four of us.</p> <p>9 Q. Where did this meeting take place?</p> <p>10 A. At Signature Beauty Show.</p> <p>11 Q. When?</p> <p>12 A. I don't remember when. After the CPS</p> <p>13 removed the kids.</p> <p>14 Q. Was it during the day? Was it at night?</p> <p>15 When was it that day?</p> <p>16 A. We had a lot of meetings there all</p> <p>17 throughout the days.</p> <p>18 Q. This was a pretty big meeting, right? I</p> <p>19 mean, this was a meeting where you're talking about</p> <p>20 --</p> <p>21 A. It's just private meetings.</p> <p>22 Q. -- lying to an agency.</p> <p>23 A. They were private meetings held at the</p> <p>24 shop. Sometime they come to our house too.</p> <p>25 Q. But you had -- did you have one meeting or</p>
Page 71	Page 73
<p>1 back. And that's when we believe my wife going to</p> <p>2 keep the kids to get the kids back.</p> <p>3 Q. Tell me, what was the plan?</p> <p>4 A. That we were going to lie to the CPS that</p> <p>5 we're going to get a divorce and I stay out of the</p> <p>6 family business because they say that I'm a bad</p> <p>7 influence for my family. So we make plan that,</p> <p>8 okay, we get a divorce. The CPS going to give you</p> <p>9 the custody of the kids. That's the plan.</p> <p>10 Q. And then what was the plan after that once</p> <p>11 she got custody of the kids and you were divorced?</p> <p>12 A. We still together.</p> <p>13 Q. How was that going to work? Were you</p> <p>14 going to just live with her and not be married</p> <p>15 anymore?</p> <p>16 A. We just file a divorce.</p> <p>17 Q. So you weren't actually going to go</p> <p>18 through with the divorce?</p> <p>19 A. We were -- we were going to file a</p> <p>20 divorce.</p> <p>21 Q. But you -- you weren't actually going to</p> <p>22 get divorced? Is that part of the plan?</p> <p>23 A. I'm sorry. I don't understand the</p> <p>24 question.</p> <p>25 Q. So if you -- if the plan was -- if I'm</p>	<p>1 more than one meeting about --</p> <p>2 A. Several.</p> <p>3 Q. -- lying -- let me -- can I finish my</p> <p>4 question?</p> <p>5 Did you have one meeting or more than one</p> <p>6 meeting about this plan to lie to CPS?</p> <p>7 A. More than one meeting.</p> <p>8 Q. And it was more than one meeting with you,</p> <p>9 your wife Cindy and Ann?</p> <p>10 A. Right.</p> <p>11 Q. And did all those meetings take place at</p> <p>12 Signature Beauty Show?</p> <p>13 A. Most of it.</p> <p>14 Q. And if they weren't at Signature Beauty</p> <p>15 Show, where else would those meetings have taken</p> <p>16 place?</p> <p>17 A. At my house.</p> <p>18 Q. About how many meetings did you have about</p> <p>19 this plan?</p> <p>20 A. I don't remember. Several times.</p> <p>21 Q. More than five?</p> <p>22 A. I don't remember.</p> <p>23 Q. More than ten?</p> <p>24 A. No, not more than ten.</p> <p>25 Q. Okay. So less than ten. Maybe more than</p>

19 (Pages 70 to 73)

Videotaped Deposition of Itani Milleni

Page 74	Page 76
<p>1 five. You just don't remember?</p> <p>2 A. I don't remember how many times. We</p> <p>3 meet -- we meet regularly.</p> <p>4 Q. And each time you met, you talked about</p> <p>5 the plan to lie to CPS, correct?</p> <p>6 A. Yes. We talked about how to get the kids</p> <p>7 back and about the business, yes.</p> <p>8 Q. So what was -- what was Cindy's role going</p> <p>9 to be in this plan?</p> <p>10 A. She's a business partner for -- with our</p> <p>11 business, but she has no role in the CPS case.</p> <p>12 Q. Then why was she involved in the meetings</p> <p>13 in which you talked about lying to CPS in order to</p> <p>14 get your kids back?</p> <p>15 A. She -- she told us that would make sense</p> <p>16 with the CPS, that -- that -- she give us advice how</p> <p>17 to deal with CPS.</p> <p>18 Q. And was her advice to you to lie to CPS</p> <p>19 about getting a divorce?</p> <p>20 A. Originally, I remember that's -- that was</p> <p>21 that -- she -- she said just when you're meeting</p> <p>22 with CPS, just pretend like you guys are fighting</p> <p>23 and you want to get divorced and -- yes. She give</p> <p>24 us that idea.</p> <p>25 Q. Was Cindy the one who came up with that</p>	<p>1 MR. BROWN: Objection; calls for</p> <p>2 speculation.</p> <p>3 Q. (BY MS. MOORE) Is that your testimony?</p> <p>4 A. I believe, yes. That was the general</p> <p>5 idea.</p> <p>6 Q. Okay. What was -- what was your wife's</p> <p>7 reaction to that plan?</p> <p>8 A. She -- she agree too.</p> <p>9 Q. Was anybody else aware of this plan?</p> <p>10 A. No. Just four of us.</p> <p>11 Q. Okay. Was Hai Pham aware?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Okay. So the plan was to say that --</p> <p>14 that -- to just pretend like you and your wife had</p> <p>15 been fighting? Was that part of what the plan was?</p> <p>16 A. Yes.</p> <p>17 Q. So is your testimony, sir, that you never</p> <p>18 fought with your wife?</p> <p>19 A. I never fought with my wife.</p> <p>20 Q. Well, if you said pretend you're going to</p> <p>21 fight with your wife, tell me is it not true that</p> <p>22 you did, in fact, fight with your wife?</p> <p>23 A. No, I never fight with my wife. It was</p> <p>24 just a plan, but I -- we never fighting, no.</p> <p>25 Q. Okay. So you never -- you never hit your</p>
Page 75	Page 77
<p>1 idea?</p> <p>2 A. I remember so, yes.</p> <p>3 Q. What was Ann -- was it Ann or Anna?</p> <p>4 A. Anna. We -- I'm sorry. We call her Anna.</p> <p>5 Yes, I remember now. Anna.</p> <p>6 Q. Okay. And Anna participated in these</p> <p>7 meetings as well?</p> <p>8 A. Yes.</p> <p>9 Q. And what was Anna's input on --</p> <p>10 A. She kind of went along.</p> <p>11 Q. Hold on.</p> <p>12 MR. BROWN: Let her finish the</p> <p>13 question.</p> <p>14 Q. (BY MS. MOORE) Let me finish my question,</p> <p>15 please, sir.</p> <p>16 What was Anna's input on the plan to lie</p> <p>17 to CPS?</p> <p>18 A. She went along. She say that might work</p> <p>19 to get your kids back. She kind of approve --</p> <p>20 approve it.</p> <p>21 Q. So if we talked with Cindy and we talked</p> <p>22 with Anna, both of them would tell you -- would say</p> <p>23 that -- that they suggested lying to CPS as part of</p> <p>24 a plan to get the kids back?</p> <p>25 A. Yes.</p>	<p>1 wife?</p> <p>2 A. Yes, I have hit my wife before but not</p> <p>3 like fighting, hurting her, no.</p> <p>4 Q. You don't think that hitting her hurt her?</p> <p>5 A. I would just react -- when we had some</p> <p>6 argument, I react to my -- my anger. That's all.</p> <p>7 But not trying to hurt her, no.</p> <p>8 Q. If you never fought with your wife, why</p> <p>9 did you have arguments in which you got angry and</p> <p>10 hit her?</p> <p>11 A. Why do we have argument?</p> <p>12 Q. You said you -- you testified you never</p> <p>13 fight with your wife; is that true or not true?</p> <p>14 A. Like how we -- I never fight with my wife</p> <p>15 like -- like fighting, hurting her, no. But we had</p> <p>16 arguments, and I react to my anger, and I hit her.</p> <p>17 I'm sorry about that, but I did from my -- I guess I</p> <p>18 lost control and I hit her.</p> <p>19 Q. Is it true, sir, that you have trouble</p> <p>20 controlling your anger?</p> <p>21 A. No, I don't think so.</p> <p>22 Q. Were part of the classes you were going to</p> <p>23 take as part of the CPS process anger management</p> <p>24 classes?</p> <p>25 A. Yes.</p>

20 (Pages 74 to 77)

Videotaped Deposition of Itani Milleni

Page 78	Page 80
<p>1 Q. Did you, in fact, take those classes?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Did -- but you still don't think you have</p> <p>4 any anger issues?</p> <p>5 A. No. No more.</p> <p>6 Q. No more, but you did at the time?</p> <p>7 A. I was at the time, yes.</p> <p>8 Q. Okay. So before, you had anger issues and</p> <p>9 you'd lose control and hit your wife; is that true?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Did that happen frequently?</p> <p>12 A. No, not frequently.</p> <p>13 Q. Going back to the meeting you had with</p> <p>14 Mrs. Armstrong, did -- you said it lasted about</p> <p>15 30 minutes. Did you leave that -- how did you feel</p> <p>16 after that meeting?</p> <p>17 A. I felt good, normal. We went along with</p> <p>18 the CPS. No problem.</p> <p>19 Q. So if Mrs. Armstrong was going to testify</p> <p>20 that you raised your voice and got upset during that</p> <p>21 meeting, would she be lying?</p> <p>22 A. I don't remember I tell her to do that.</p> <p>23 Q. I didn't ask you if you told her.</p> <p>24 I said, if she was going to say that you</p> <p>25 were upset and yelled at her during that meeting, is</p>	<p>1 again.</p> <p>2 When you were having this meeting with</p> <p>3 Mrs. Armstrong --</p> <p>4 A. Right.</p> <p>5 Q. -- she says that you got very upset and</p> <p>6 you yelled. Do you understand that?</p> <p>7 A. I don't remember I got upset and yell at</p> <p>8 the meeting, no.</p> <p>9 Q. So you're saying that Mrs. Armstrong is</p> <p>10 wrong about that?</p> <p>11 A. Yes. Mrs. Armstrong is wrong about that,</p> <p>12 yes.</p> <p>13 Q. Okay. Were you aware that Mrs. Armstrong</p> <p>14 had set up a meeting with Tuyet Tran at the -- at</p> <p>15 the beauty shop the next day?</p> <p>16 A. No.</p> <p>17 Q. Are you aware of that now, as we sit here</p> <p>18 today?</p> <p>19 A. No.</p> <p>20 Q. You didn't know that they were going to</p> <p>21 meet?</p> <p>22 A. No.</p> <p>23 Q. After your conversation with</p> <p>24 Mrs. Armstrong, did you return to work?</p> <p>25 A. I remember after I met Mrs. Armstrong, I</p>
Page 79	Page 81
<p>1 that -- is that a lie?</p> <p>2 A. I don't -- I don't remember I tell her to</p> <p>3 do that. It's just a plan with me, my wife, and</p> <p>4 that's it.</p> <p>5 Q. I'm not talking -- so --</p> <p>6 MR. BROWN: Objection; nonresponsive.</p> <p>7 Listen to the question, Mr. Milleni.</p> <p>8 Q. (BY MS. MOORE) Okay. So during this</p> <p>9 conversation about the afternoon before your wife</p> <p>10 was found murdered, you had a conversation with</p> <p>11 Mrs. Armstrong, correct?</p> <p>12 A. Right.</p> <p>13 Q. And you talked about the case, correct?</p> <p>14 A. Right.</p> <p>15 Q. And you say you felt good and you didn't</p> <p>16 get upset during that conversation, correct?</p> <p>17 A. Right.</p> <p>18 Q. If Mrs. Armstrong says you're wrong, she</p> <p>19 did -- you did get upset, would you say that</p> <p>20 Mrs. Armstrong is lying?</p> <p>21 A. If Mrs. Armstrong say that we are</p> <p>22 fighting, would I think she's -- that's lying?</p> <p>23 MS. MOORE: Objection.</p> <p>24 A. Would I think that's lying?</p> <p>25 Q. (BY MS. MOORE) Let me -- let me clarify</p>	<p>1 came -- I went to the nail -- to Signature Beauty</p> <p>2 Show.</p> <p>3 Q. Why did you go to the beauty show after</p> <p>4 that meeting?</p> <p>5 A. Because I usually go to my wife's business</p> <p>6 to clean up and help her with the business and --</p> <p>7 after -- after work.</p> <p>8 Q. Did you immediately go from your meeting</p> <p>9 with Mrs. Armstrong to the Signature Beauty Show?</p> <p>10 A. Now you're talking about the last day that</p> <p>11 I met -- I remember I went to -- from the CPS office</p> <p>12 and I went to -- I may have stopped at my house, and</p> <p>13 then I went to the -- my wife's business to help her</p> <p>14 after work, yes.</p> <p>15 Q. About what time did you get to your house</p> <p>16 before you went to the business?</p> <p>17 A. I don't remember.</p> <p>18 Q. How long were you at your house?</p> <p>19 A. Probably shortly. Shortly.</p> <p>20 Q. Thirty minutes?</p> <p>21 A. Probably 30 minutes.</p> <p>22 Q. What were you -- were you picking</p> <p>23 something up?</p> <p>24 A. Use the restroom and then went to the --</p> <p>25 the Signature Beauty Show, yeah. About 30 minutes</p>

21 (Pages 78 to 81)

Videotaped Deposition of Itani Milleni

Page 82	Page 84
<p>1 or something like that.</p> <p>2 Q. Did you pick anything up from the house?</p> <p>3 A. I don't remember.</p> <p>4 Q. You could have. You just don't remember?</p> <p>5 A. I don't -- I didn't pick up anything, no.</p> <p>6 Q. And what time did you arrive at the</p> <p>7 business that day?</p> <p>8 A. When I got there, there were still</p> <p>9 students there, but most of them has left. So it</p> <p>10 must be at the end of the class. And --</p> <p>11 Q. What time -- I'm sorry. Go ahead.</p> <p>12 A. The time, I don't -- probably 6 o'clock.</p> <p>13 Q. You said there were still students there.</p> <p>14 What time did the classes normally end?</p> <p>15 A. Until everybody left.</p> <p>16 Q. They don't go to a set time?</p> <p>17 A. No. There's no set time.</p> <p>18 Q. So when you originally arrived, there were</p> <p>19 still students there. Was your wife there?</p> <p>20 A. Yes.</p> <p>21 Q. Who else was there?</p> <p>22 A. The husband and wife professional teachers</p> <p>23 from California, Calvin. His wife was there. Anna.</p> <p>24 Cindy was there helping them.</p> <p>25 Q. You said Cindy was there too?</p>	<p>1 Q. And had you been at the business regularly</p> <p>2 over the course of those two weeks leading up --</p> <p>3 actually, let me -- let me back up.</p> <p>4 There was a CPS hearing, right, on</p> <p>5 July 7th, 2015, in which the Court awarded the State</p> <p>6 temporary custody of your children? Do you remember</p> <p>7 that?</p> <p>8 A. I remember they came to the house and</p> <p>9 removed the kids.</p> <p>10 Q. And then there was a hearing in front of a</p> <p>11 judge, and you testified. And the judge ultimately</p> <p>12 ordered that the kids stay in the custody of the</p> <p>13 State. Do you --</p> <p>14 A. Yes.</p> <p>15 Q. -- remember that?</p> <p>16 A. Yes, I remember.</p> <p>17 Q. That was about July 7th, 2015. In those</p> <p>18 two weeks before your wife was murdered, was it</p> <p>19 still your standard practice every time you got off</p> <p>20 work to go to the nail salon -- or to -- to the</p> <p>21 Signature Beauty Show?</p> <p>22 A. Yes, regularly.</p> <p>23 Q. So nothing changed?</p> <p>24 A. No, nothing changed.</p> <p>25 Q. After -- let me ask a better question.</p>
Page 83	Page 85
<p>1 A. I remember Cindy was there.</p> <p>2 Q. So there were some students. There was</p> <p>3 your wife, Calvin and his wife, Anna, and Cindy?</p> <p>4 A. Yes.</p> <p>5 Q. Did the students leave?</p> <p>6 A. Yes. Slowly they leave one after another.</p> <p>7 Q. After the students were gone, were -- was</p> <p>8 it still just your wife, you, Calvin and his wife</p> <p>9 Anna and Cindy?</p> <p>10 A. Yes.</p> <p>11 Q. And what were you doing?</p> <p>12 A. I clean up, straighten out tables, clean</p> <p>13 up the place, trash, food -- clean up the food,</p> <p>14 clean up the -- the meeting, removing trash and</p> <p>15 clean up the place.</p> <p>16 Q. What was your wife doing?</p> <p>17 A. She has meeting with Calvin and with the</p> <p>18 teacher while I'm doing the cleaning.</p> <p>19 Q. Did you call your wife Tuyet before you</p> <p>20 came to the shop that day?</p> <p>21 A. I don't remember.</p> <p>22 Q. You're saying that it was your normal</p> <p>23 practice that at the end of the day, you'd go over</p> <p>24 to the business?</p> <p>25 A. Yes, but I don't remember I call her.</p>	<p>1 Nothing changed in your normal course of</p> <p>2 practice after the Court awarded temporary custody</p> <p>3 of the kids to CPS?</p> <p>4 A. Nothing changed?</p> <p>5 Q. Nothing changed in your normal course?</p> <p>6 You'd go to work and then go to the shop?</p> <p>7 A. Yes. Nothing changed.</p> <p>8 Q. How did you know Calvin and his wife?</p> <p>9 A. We formed the business, Signature Beauty</p> <p>10 Show, to show students how to do nails and eyelash.</p> <p>11 My wife didn't know much about the business, so we</p> <p>12 get in contact with the professional. We found</p> <p>13 them. We made a deal with them that they come to</p> <p>14 Houston to perform the show.</p> <p>15 Q. How did you find them?</p> <p>16 A. I don't remember. I think my wife found</p> <p>17 them. I don't -- probably my wife talked with them.</p> <p>18 They found -- my wife found them and got in contact</p> <p>19 and made the agreement. But how, I don't remember.</p> <p>20 Probably my wife talked to them on the phone.</p> <p>21 Q. Did they contribute money to the business?</p> <p>22 A. No.</p> <p>23 Q. How were they paid?</p> <p>24 A. They paid for...</p> <p>25 Q. I said, how were they paid for helping</p>

22 (Pages 82 to 85)

Videotaped Deposition of Itani Milleni

Page 86	Page 88
<p>1 teach these classes?</p> <p>2 A. They don't pay to teach the classes.</p> <p>3 Q. How -- how did -- how did they get paid to</p> <p>4 teach the classes?</p> <p>5 A. From the revenue that we bring in from the</p> <p>6 students. Each student, we charge them a fee, and</p> <p>7 that's where the money comes from.</p> <p>8 Q. And then at some point, I believe you</p> <p>9 claim that an African-American gentleman stepped</p> <p>10 into the shop, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you remember what time that</p> <p>13 happened?</p> <p>14 A. I remember I saw him came in when I was</p> <p>15 there.</p> <p>16 MS. MOORE: Objection; nonresponsive.</p> <p>17 Q. (BY MS. MOORE) What time did you see him</p> <p>18 come in?</p> <p>19 A. I don't remember the exact time.</p> <p>20 Q. Was it light or dark outside?</p> <p>21 A. It was light, still light.</p> <p>22 Q. And where were -- what did he do when he</p> <p>23 walked into the store?</p> <p>24 A. He came in -- he opened the door and came</p> <p>25 in, but he didn't go all the way inside. He just</p>	<p>1 Q. Was Calvin with your wife?</p> <p>2 A. My wife was counting the money and split</p> <p>3 up the money with Calvin.</p> <p>4 Q. What was Calvin's wife doing?</p> <p>5 A. She was there counting the money too.</p> <p>6 Q. How about -- what was Anna doing?</p> <p>7 A. Anna was not at that point -- was not</p> <p>8 there at that point. She left.</p> <p>9 Q. So she left before the African-American</p> <p>10 man came into the -- into the shop, correct?</p> <p>11 A. When I was there and the African-American</p> <p>12 man came in, Anna was not there.</p> <p>13 Q. Do you know what time she left?</p> <p>14 A. No.</p> <p>15 Q. What was Cindy doing at the time?</p> <p>16 A. She came to assist us, teach the students</p> <p>17 sell the products. She was at the front counter.</p> <p>18 (Off-the-record discussion.)</p> <p>19 (Exhibit No. 6 was marked.)</p> <p>20 Q. (BY MS. MOORE) Mr. Milleni, I'm handing</p> <p>21 you what I've marked as Deposition Exhibit No. 6.</p> <p>22 Sir, do you recognize this document?</p> <p>23 A. Yes, ma'am, I do.</p> <p>24 Q. What is this -- well, first of all, who --</p> <p>25 who created this document?</p>
Page 87	Page 89
<p>1 look at us like finding out what we're doing,</p> <p>2 surveying the store. He just stood there and</p> <p>3 watched.</p> <p>4 Q. How long did he stand there?</p> <p>5 A. For about a minute. Shortly.</p> <p>6 Q. Did --</p> <p>7 A. Not long.</p> <p>8 Q. Did he say anything?</p> <p>9 A. No. He just stared at us and didn't say</p> <p>10 anything.</p> <p>11 Q. Did you say anything to him?</p> <p>12 A. No. I really -- nobody say anything to</p> <p>13 him. We were just paused and surprised and just</p> <p>14 looked back at him. We didn't say anything. We</p> <p>15 didn't ask him why he's there. We just looked at</p> <p>16 him.</p> <p>17 Q. Did -- what was -- what were you doing at</p> <p>18 the time?</p> <p>19 A. I was there with them.</p> <p>20 Q. What were you doing at the shop at the</p> <p>21 time that he came in?</p> <p>22 A. At the front counter.</p> <p>23 Q. What -- what was your wife doing?</p> <p>24 A. She was counting the money and -- and</p> <p>25 split up the money with Calvin.</p>	<p>1 A. I created this document.</p> <p>2 Q. So you drew this?</p> <p>3 A. No. I had an artist draw this document</p> <p>4 for me.</p> <p>5 Q. What artist?</p> <p>6 A. I found some online artist. I contacted</p> <p>7 him.</p> <p>8 Q. When did you have this created?</p> <p>9 A. After my wife's death.</p> <p>10 Q. What -- how long after your wife's death?</p> <p>11 A. I don't remember.</p> <p>12 Q. Was it soon after?</p> <p>13 A. No. Later.</p> <p>14 Q. Was it before this lawsuit?</p> <p>15 A. Before this lawsuit?</p> <p>16 Q. Um-hmm.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you remember why you created it?</p> <p>19 A. Yes.</p> <p>20 Q. Why?</p> <p>21 A. It's from my memory of what happened on</p> <p>22 that final day and try to recreate this document.</p> <p>23 Q. So you said you don't remember the name of</p> <p>24 the artist?</p> <p>25 A. No. I found him online, but I don't</p>

23 (Pages 86 to 89)

Videotaped Deposition of Itani Milleni

Page 90	Page 92
<p>1 remember.</p> <p>2 Q. How much did you pay for it?</p> <p>3 A. 100, 150, something like that.</p> <p>4 Q. Do you still have any receipts for when</p> <p>5 you paid for this?</p> <p>6 A. No, I don't have the receipt.</p> <p>7 Q. Okay.</p> <p>8 MR. BROWN: Can we take a break when</p> <p>9 you get to a stopping point?</p> <p>10 MS. MOORE: I'd like to get through</p> <p>11 this document, and then we can take a break.</p> <p>12 MR. BROWN: Yeah, that's fine.</p> <p>13 MS. MOORE: Thank you.</p> <p>14 Q. (BY MS. MOORE) All right. So I want you</p> <p>15 to identify who everybody is that is drawn here.</p> <p>16 Let's start with the top panel. And you have what</p> <p>17 appears to be a woman on the far right side. Who --</p> <p>18 who is that supposed to depict?</p> <p>19 A. This is my wife.</p> <p>20 Q. Yes.</p> <p>21 A. This is the -- those are the two teachers</p> <p>22 right here, husband and wife, Calvin. And this is</p> <p>23 me.</p> <p>24 Q. Let's go -- let's start far right. The</p> <p>25 first person on the right on that top panel, who is</p>	<p>1 came into the shop. And that's the African-American</p> <p>2 gentleman we've been talking about, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. The woman who's immediately to his</p> <p>5 left in this bottom panel, is that Calvin's wife?</p> <p>6 A. Yes.</p> <p>7 Q. And the woman who is immediately to the</p> <p>8 left of Calvin's wife, is that your wife Tuyet Tran?</p> <p>9 A. Yes.</p> <p>10 Q. And the man that's immediately to her</p> <p>11 left, is that supposed to be Calvin?</p> <p>12 A. No. That's me.</p> <p>13 Q. That's you? Okay.</p> <p>14 And then the last figure all the way to</p> <p>15 the left, then that's Calvin, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Where is Cindy in this picture?</p> <p>18 A. Cindy is not here.</p> <p>19 Q. Okay. I thought you said, though, that</p> <p>20 Cindy was there.</p> <p>21 A. She was there earlier but not at the final</p> <p>22 moment, no --</p> <p>23 Q. So she did not --</p> <p>24 A. -- the last -- the last time.</p> <p>25 Q. Okay.</p>
Page 91	Page 93
<p>1 that?</p> <p>2 A. My wife.</p> <p>3 Q. Okay. The individual who's right next to</p> <p>4 her, left of that, who is that?</p> <p>5 A. The teacher. She -- she does -- she's the</p> <p>6 teacher.</p> <p>7 Q. Is that Calvin's wife?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. The man that's immediately to the</p> <p>10 left of her, who is that?</p> <p>11 A. Calvin.</p> <p>12 Q. Okay. And the man immediately to the left</p> <p>13 of Calvin, who is that?</p> <p>14 A. Me.</p> <p>15 Q. And the man who's -- or the figure that is</p> <p>16 all the way to the left, is that -- who is that?</p> <p>17 A. The African-American man that came into</p> <p>18 the Signature Beauty Show.</p> <p>19 Q. So if we go to the panel on the bottom,</p> <p>20 this is just a -- is this just another angle of it?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And is the woman -- so we'll</p> <p>23 start -- we'll go -- we'll continue to go right to</p> <p>24 left.</p> <p>25 On the right panel, there's a man who</p>	<p>1 A. Only four of us there, but Cindy was not</p> <p>2 here. She was there earlier.</p> <p>3 Q. So Cindy did not see the African-American</p> <p>4 gentleman --</p> <p>5 A. No.</p> <p>6 Q. -- come into the store?</p> <p>7 A. No, I don't know that. I don't know that.</p> <p>8 Q. Well, Mr. Milleni, you said that this</p> <p>9 event happened for about a minute, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And I believe you had testified</p> <p>12 earlier that -- that the five of you were there,</p> <p>13 that it was your wife, Calvin, Calvin's wife, you,</p> <p>14 and Cindy, correct?</p> <p>15 A. Earlier I say me, my wife, Calvin, his</p> <p>16 wife, Cindy, and Anna was there earlier when there</p> <p>17 were students still there. The show was still going</p> <p>18 on.</p> <p>19 Q. Okay.</p> <p>20 A. They were all there.</p> <p>21 Q. So what time did Cindy leave?</p> <p>22 A. I don't remember. I don't know --</p> <p>23 Q. Did she leave --</p> <p>24 A. -- when she left.</p> <p>25 Q. Did she leave before Anna?</p>

24 (Pages 90 to 93)

Videotaped Deposition of Itani Milleni

Page 94	Page 96
<p>1 A. I don't know.</p> <p>2 Q. And you don't know if she was there when</p> <p>3 this African-American man came into the store?</p> <p>4 A. Cindy?</p> <p>5 Q. Um-hmm.</p> <p>6 A. I don't know that, but I know Anna was</p> <p>7 there when the African-American man came in.</p> <p>8 Q. Well, Anna is not in this picture, is she?</p> <p>9 A. Not in here. Earl- -- not in this</p> <p>10 picture, but throughout the day Anna was there, and</p> <p>11 she saw this African-American man came in before.</p> <p>12 Q. Okay. But she's not in this picture?</p> <p>13 A. No.</p> <p>14 Q. And Cindy is not in this picture?</p> <p>15 A. No.</p> <p>16 Q. Were you the only four individuals who saw</p> <p>17 him -- the African-American gentleman come in?</p> <p>18 A. At -- at last moment, yes.</p> <p>19 Q. I don't know if I understand what you mean</p> <p>20 by the last moment. What do you mean by that?</p> <p>21 A. Anna say that throughout the day the</p> <p>22 African-American man came in when she was there.</p> <p>23 She saw him came in several times. And when I</p> <p>24 arrived later, I saw the African-American man one</p> <p>25 last time.</p>	<p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Why were you holding money?</p> <p>4 A. Probably the artist made a wrong sketch.</p> <p>5 It was -- Calvin was holding the money, not me, but</p> <p>6 the artist put -- put the money in my hand.</p> <p>7 Q. So you never handled the money?</p> <p>8 A. No. He made a mistake there. I'm sorry.</p> <p>9 Q. But you've described this to him?</p> <p>10 A. To the artist. I told the artist exactly</p> <p>11 from my last memory.</p> <p>12 Q. So he drew what you told him, correct?</p> <p>13 A. Right, but he put the money in the wrong</p> <p>14 hand in the picture.</p> <p>15 Q. What did you do after he stepped in, after</p> <p>16 the African -- let me ask a better question.</p> <p>17 What did you do after the</p> <p>18 African-American man stepped in and then left? What</p> <p>19 did you do next? What did you do?</p> <p>20 A. I went outside to my car.</p> <p>21 Q. Okay. Immediately?</p> <p>22 A. We -- all four of us look and we talk. We</p> <p>23 said -- we're like let's wrap it up. Let's -- let's</p> <p>24 get out of here, and we all agreed to leave. And I</p> <p>25 said -- I remember I said I forgot to lock the door</p>
Page 95	Page 97
<p>1 Q. So Anna saw -- you saw him come in</p> <p>2 multiple times? Is that what you're saying?</p> <p>3 A. No. I saw him one last time, this time</p> <p>4 right here that I depict in the picture, last time.</p> <p>5 Q. Did you see the African-American man come</p> <p>6 in more than one time that day?</p> <p>7 A. No.</p> <p>8 Q. Okay. You only saw him this one time?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. But you're saying that Anna said that he</p> <p>11 came in multiple times that day?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. When did Anna tell you that?</p> <p>14 A. I think she said that on the phone after</p> <p>15 my wife's death. We had some conversation on the</p> <p>16 phone.</p> <p>17 Q. Did -- did Calvin ever tell you that the</p> <p>18 African-American man came in more than one time that</p> <p>19 day?</p> <p>20 A. I don't remember he told me that, no.</p> <p>21 Q. Did Calvin's wife tell you that?</p> <p>22 A. No, I don't -- no, Calvin's wife never</p> <p>23 told me that.</p> <p>24 Q. Mr. Milleni, if you look in the bottom</p> <p>25 panel again, it shows that you're holding money.</p>	<p>1 or something -- yeah, I forgot to lock the door</p> <p>2 because it's closed, so -- but we left the door</p> <p>3 open, unlocked. And everybody started packing up.</p> <p>4 Q. Did he make --</p> <p>5 A. And I went back to my car.</p> <p>6 Q. So you ran to your car?</p> <p>7 A. I went outside to my car.</p> <p>8 Q. Did you run to your car?</p> <p>9 A. I don't remember. I just went back to my</p> <p>10 car.</p> <p>11 Q. Where was your car parked?</p> <p>12 A. Outside.</p> <p>13 Q. Was it close to the --</p> <p>14 A. Yes --</p> <p>15 Q. -- the business?</p> <p>16 A. -- close to the store.</p> <p>17 Q. What did you do when you got to your car?</p> <p>18 A. I put the -- I put the gun -- I pulled out</p> <p>19 the gun from my car.</p> <p>20 Q. Where was your gun?</p> <p>21 A. I keep it on the driver's side door and</p> <p>22 from -- I pulled it out from the driver side door.</p> <p>23 Q. Where did you put the gun? Did you put it</p> <p>24 in your pocket? Did you put it in your -- I mean,</p> <p>25 did you -- or were you just carrying it?</p>

25 (Pages 94 to 97)

Videotaped Deposition of Itani Milleni

Page 98	Page 100
<p>1 A. It has a holster, and I clip it to my 2 waist. 3 Q. Did you grab anything else? 4 A. No. 5 Q. Did you immediately go back into the 6 store? 7 A. Yes. 8 Q. When you went out to your car, did you see 9 the -- the -- the black male outside? 10 A. Yes. 11 Q. Where was he? 12 A. He was with their -- with his friend, 13 talking with his friend in the car, parking outside 14 too. 15 Q. Were they inside the car or outside the 16 car? 17 A. This guy was outside, but his friend was 18 inside the car. And I just looked at him, and I 19 just left. I ignore them. 20 Q. Did they see that you had a gun? 21 A. I don't think so. 22 Q. What did you do with the gun when you went 23 back inside? 24 A. I told everybody there's nothing to worry. 25 Q. Did you keep the gun on you?</p>	<p>1 A. In my car. I remember. Yes, I -- I had a 2 small hand ax and a gun in my car, yes. 3 Q. And that small hand ax, where was it in 4 your car? 5 A. I lost it, that small hand ax. I keep it 6 there. I don't remember what I did with it. 7 Q. Did you typically keep it in your car? 8 A. I keep it in my car, yes. 9 Q. Did you keep it under your front seat? 10 A. Yes. 11 Q. Did you grab that ax whenever you grabbed 12 your gun? 13 A. No. 14 MS. MOORE: I think we can take a 15 break. 16 MR. BROWN: All right. 17 THE VIDEOGRAPHER: Going off the 18 record. The time is now 12:13 p.m. 19 (Break from 12:13 p.m. to 12:32 p.m.) 20 THE VIDEOGRAPHER: We're back on the 21 record, beginning Tape No. 3. The time is now 22 12:32 p.m. 23 Q. (BY MS. MOORE) Mr. Milleni, on 24 Exhibit No. 6, which is the sketch -- 25 A. Yes, ma'am.</p>
Page 99	Page 101
<p>1 A. Yes. I told them don't worry, you know. 2 I can take care of everybody. It's no problem if 3 something happened. 4 Q. Was it still light outside whenever you 5 went out to your car to get a gun? 6 A. It was -- there's some light, yes. 7 Q. Did you have any other weapons in your 8 car? 9 A. No. Just the gun. 10 Q. Just the gun? 11 You didn't have any, like, hatchet or 12 anything like that in your car? 13 A. A what? 14 Q. A hatchet, an ax. 15 A. An ax? 16 Q. Um-hmm. Did you ever carry an ax in your 17 car? 18 A. Yes, I had an ax in my car. 19 Q. Was it a big ax or a small ax? 20 A. A big ax. 21 Q. Where did you keep it? 22 A. I -- oh, not in my car. At the house. 23 I'm sorry. Not in my car. No, wait a minute. I 24 might have had a small hand ax. 25 Q. In your car?</p>	<p>1 Q. -- that's right in front of you, did you 2 ever provide that to the police? 3 A. No. 4 Q. So you were in -- you had just gotten your 5 gun from your car, correct? 6 A. Yes, ma'am. 7 Q. You went back into the shop, correct? 8 A. Yes, ma'am. 9 Q. What happened next? Who left first? 10 A. I helped Calvin and his wife packing up 11 their luggages and put them in the -- their car. 12 Q. Was it light or dark outside when that was 13 happening? 14 A. It was -- there's some light out there. 15 Q. Was the African-American man still in the 16 parking lot at that time? 17 A. Yes. 18 Q. Was his -- the person he was with who was 19 in the car, was that person still there? 20 A. His friend, yes. 21 Q. Well, do you know it was his friend? 22 A. No. 23 Q. And you did not talk to either one of 24 those individuals, did you? 25 A. I never talked to those people.</p>

26 (Pages 98 to 101)

Videotaped Deposition of Itani Milleni

Page 102	Page 104
<p>1 Q. What was the -- what was the car -- what</p> <p>2 was the make and model of the car that the other</p> <p>3 individual that you've told -- you've testified</p> <p>4 about --</p> <p>5 A. I don't remember.</p> <p>6 Q. You don't remember the color?</p> <p>7 A. No.</p> <p>8 Q. Do you remember the condition it was in?</p> <p>9 A. No.</p> <p>10 Q. Was it a big car? Was it a small car?</p> <p>11 A. Medium-sized car.</p> <p>12 Q. Was it in good condition?</p> <p>13 A. I don't know. I don't know.</p> <p>14 Q. What were they doing -- what were the --</p> <p>15 what were those two individuals doing at the time</p> <p>16 when you were helping Calvin and his wife pack up</p> <p>17 the car for them to leave?</p> <p>18 A. They were talking.</p> <p>19 Q. So they were still talking?</p> <p>20 A. Yes.</p> <p>21 Q. Could you hear what they were saying?</p> <p>22 A. I didn't hear, no.</p> <p>23 Q. And it was just two individuals?</p> <p>24 A. Maybe more than two.</p> <p>25 Q. Did you -- so was there somebody else in</p>	<p>1 Q. What color was it?</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you remember any other features?</p> <p>4 A. The only thing I remember about him is</p> <p>5 that it has the white trim around his shirt and the</p> <p>6 neck. That's all I remember. And he's wearing</p> <p>7 jeans.</p> <p>8 Q. Did he have any tattoos?</p> <p>9 A. I don't remember.</p> <p>10 Q. Was there anything else that stood out</p> <p>11 about him?</p> <p>12 A. No.</p> <p>13 Q. How tall are you?</p> <p>14 A. 5 -- 5-6, 5-7.</p> <p>15 Q. So you think that this man was about 5-6</p> <p>16 or 5-7?</p> <p>17 A. Yes.</p> <p>18 Q. How much do you think he weighed?</p> <p>19 A. 175 pounds.</p> <p>20 Q. The men he was talking to in the car out</p> <p>21 in the parking lot, could you describe them with any</p> <p>22 detail?</p> <p>23 A. No details.</p> <p>24 Q. And you can't even say if it was two or</p> <p>25 three men in the car?</p>
Page 103	Page 105
<p>1 the car?</p> <p>2 A. I don't remember how many people were in</p> <p>3 the car, but I saw -- I saw a bunch of people there,</p> <p>4 maybe two, three. I don't remember how many people.</p> <p>5 Q. Can you describe them?</p> <p>6 A. They were all African-American mans.</p> <p>7 Q. African-American men?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you said that you could see</p> <p>10 maybe two or three additional people in the car?</p> <p>11 A. Yes.</p> <p>12 Q. And the one man who had come into the shop</p> <p>13 was outside of the car talking to the men in the</p> <p>14 car? Is that your testimony?</p> <p>15 A. Yes.</p> <p>16 Q. How tall was the African-American man who</p> <p>17 came into the store?</p> <p>18 A. About my height.</p> <p>19 Q. And what was he wearing?</p> <p>20 A. He's wearing a -- a T-shirt like that</p> <p>21 (indicating), a -- a jersey shirt.</p> <p>22 Q. It looks kind of like a tank top to me --</p> <p>23 A. Yeah.</p> <p>24 Q. -- sort of. Is that kind of what it was?</p> <p>25 A. A tank top, jersey shirt, sports shirt.</p>	<p>1 A. Yes.</p> <p>2 Q. So you helped Calvin and -- does the name</p> <p>3 Lucy --</p> <p>4 A. Yeah.</p> <p>5 Q. -- ring a bell?</p> <p>6 A. Thank you.</p> <p>7 Q. Okay.</p> <p>8 A. Lucy, yes.</p> <p>9 Q. So is Lucy --</p> <p>10 A. We call her Lucy, right. Thank you.</p> <p>11 Q. Lucy is Calvin's wife?</p> <p>12 A. Yes, ma'am. Lucy. I remember.</p> <p>13 Q. So you helped Calvin and Lucy pack up the</p> <p>14 car and then they -- do you see them leave?</p> <p>15 A. Yes, they left.</p> <p>16 Q. They drove away?</p> <p>17 A. Yes.</p> <p>18 Q. So at that point, it was just you and your</p> <p>19 wife at the -- at the shop, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Describe for me -- or, actually, did you</p> <p>22 go back into the -- into the shop?</p> <p>23 A. Yes.</p> <p>24 Q. And what did you and your wife discuss?</p> <p>25 A. We -- I told her, okay, we're leaving.</p>

27 (Pages 102 to 105)

Videotaped Deposition of Itani Milleni

Page 106	Page 108
<p>1 She gave Calvin some money, and I didn't ask. We</p> <p>2 talk about completing the transactions. She going</p> <p>3 to close the store, lock the door, and I left.</p> <p>4 Q. Did you see her lock the door?</p> <p>5 A. No.</p> <p>6 Q. Did you see her leave?</p> <p>7 A. No.</p> <p>8 Q. So you left the shop while she was still</p> <p>9 in the store?</p> <p>10 A. Yes.</p> <p>11 Q. Did you go directly to your car?</p> <p>12 A. Yes.</p> <p>13 Q. Let me make sure I understand your</p> <p>14 testimony correctly.</p> <p>15 Is it that you told her -- or you</p> <p>16 discussed -- you know, you discussed the money?</p> <p>17 A. Right.</p> <p>18 Q. And you say you told her to lock the door?</p> <p>19 A. I didn't tell her to lock the door. I</p> <p>20 don't remember what I say. Maybe -- I might have</p> <p>21 told her to lock the door. I might have not. I</p> <p>22 don't remember if I say that, but I might have said</p> <p>23 that.</p> <p>24 Q. How long were you and your wife in the</p> <p>25 store together alone?</p>	<p>1 Q. CPS. Excuse me.</p> <p>2 A. I'm -- I'm sorry.</p> <p>3 Q. It was me.</p> <p>4 A. Armstrong. We -- we could have talked</p> <p>5 about Armstrong, but I don't remember I talked with</p> <p>6 her about it.</p> <p>7 Q. You don't remember?</p> <p>8 A. Talking with her about CPS, no.</p> <p>9 Q. Okay.</p> <p>10 A. I might have. I don't remember.</p> <p>11 Q. Did you talk about your children in that</p> <p>12 conversation that you had with her when you were by</p> <p>13 yourselves?</p> <p>14 A. I don't remember.</p> <p>15 Q. So you could have? You may not have? You</p> <p>16 don't know?</p> <p>17 A. I don't remember if I talked about the</p> <p>18 kids at that point.</p> <p>19 Q. So the only thing you remember clearly is</p> <p>20 that you talked about why she gave Calvin money?</p> <p>21 A. Yes, about split up the money. And close</p> <p>22 the shop and leave.</p> <p>23 Q. Did you question her as to why she had</p> <p>24 given Calvin the money?</p> <p>25 A. Questioned her why?</p>
Page 107	Page 109
<p>1 A. Shortly.</p> <p>2 Q. What do you -- how -- how would you</p> <p>3 describe shortly?</p> <p>4 A. Maybe 10 -- 10 minutes or 15 minutes.</p> <p>5 Q. Did you discuss at all your conversation</p> <p>6 that you had had just several hours earlier with</p> <p>7 Tequila Armstrong?</p> <p>8 A. Say it again.</p> <p>9 Q. I said did you discuss with your wife when</p> <p>10 you were alone at the shop together your</p> <p>11 conversation that you had had with Tequila</p> <p>12 Armstrong at around 3 o'clock that afternoon?</p> <p>13 A. No, we didn't talk about Armstrong or CPS</p> <p>14 at that point.</p> <p>15 Q. You didn't talk about CPS at all at that</p> <p>16 point during this conversation when it was just you</p> <p>17 and your wife?</p> <p>18 A. I don't remember. We might have talked</p> <p>19 about it. I don't remember talking about CPS at</p> <p>20 that point.</p> <p>21 Q. So you could have talked about CVS [sic].</p> <p>22 You might not have talked about CVS. You just don't</p> <p>23 remember?</p> <p>24 A. We could have talked about CPS at that</p> <p>25 point.</p>	<p>1 Q. Yes?</p> <p>2 A. No.</p> <p>3 Q. Well, then what were you discussing?</p> <p>4 A. Did she count the money, did she complete</p> <p>5 the money, but not why she gave him the money.</p> <p>6 Q. Did she still have any money from the --</p> <p>7 from the show?</p> <p>8 A. I don't know. I didn't ask if she have</p> <p>9 some money. She might have had some money.</p> <p>10 Q. How would she typically -- I mean, would</p> <p>11 she give you the money at the end of the day for any</p> <p>12 shows that -- that they got as part of the business?</p> <p>13 A. No, she never give me the money. She go</p> <p>14 to the bank and make the deposit herself.</p> <p>15 Q. Did the business have its own bank</p> <p>16 account?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. What bank?</p> <p>19 A. Wells Fargo Bank.</p> <p>20 Q. What location would she deposit money?</p> <p>21 A. I don't remember the location. A -- a</p> <p>22 bank on Bellaire Boulevard.</p> <p>23 Q. Did the business only have one business</p> <p>24 account?</p> <p>25 A. I believe so, yes, just one.</p>

28 (Pages 106 to 109)

Videotaped Deposition of Itani Milleni

Page 110	Page 112
<p>1 Q. And it was in the name of the business?</p> <p>2 A. Yes.</p> <p>3 Q. What did you do with the money -- how much</p> <p>4 money was left in that bank account after -- after</p> <p>5 Tuyet's murder?</p> <p>6 A. I don't remember how much was in there.</p> <p>7 Q. What happened to that money?</p> <p>8 A. I might have closed the bank account. I</p> <p>9 think I did close it.</p> <p>10 Q. Did you withdraw the money?</p> <p>11 A. I might have pulled out whatever the</p> <p>12 balance left in there and closed it.</p> <p>13 Q. Was it more than \$500?</p> <p>14 A. I don't remember.</p> <p>15 Q. Was it more than \$5,000?</p> <p>16 A. I don't -- I don't remember. Not more</p> <p>17 than 5,000. I don't remember.</p> <p>18 Q. Okay. So you don't think it was more than</p> <p>19 5,000?</p> <p>20 A. Maybe not more than 5,000.</p> <p>21 Q. What did you do with the money that you</p> <p>22 withdrew? Did you distribute it to the other</p> <p>23 business partners, or did you just keep it?</p> <p>24 A. I don't remember I gave my business</p> <p>25 partner any money, no.</p>	<p>1 A. No.</p> <p>2 Q. So the last -- according to your</p> <p>3 testimony, the last time you saw your wife, she</p> <p>4 was -- was she in the shop? Did you physically see</p> <p>5 her in the shop?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you left her there and you went</p> <p>8 to your car. Is that your testimony?</p> <p>9 A. Yes.</p> <p>10 Q. You went directly to your car?</p> <p>11 A. Yes.</p> <p>12 Q. And was the African-American man that</p> <p>13 we've been talking about and his -- the other</p> <p>14 individuals, were they still out in the parking lot?</p> <p>15 A. Yes.</p> <p>16 Q. And was it light or dark when you left?</p> <p>17 A. It's a little bit dark. Light. Not</p> <p>18 enough light, but some dark. Not completely light.</p> <p>19 Light but dark.</p> <p>20 Q. If you were concerned enough to go to your</p> <p>21 car to get a gun, why did you leave your wife alone</p> <p>22 in the shop at that time?</p> <p>23 A. There were two -- what I remember, there</p> <p>24 were two reasons. Reason number one, I made a</p> <p>25 mistake, and I left her there to close the business</p>
Page 111	Page 113
<p>1 Q. You didn't give them any money?</p> <p>2 A. No.</p> <p>3 Q. Did you ever talk with your business</p> <p>4 partners about any of the money that was left over?</p> <p>5 A. The money I pulled out from the bank? I</p> <p>6 don't remember how much, so I didn't talk with them</p> <p>7 about it, no.</p> <p>8 Q. So had you seen -- I think you've</p> <p>9 described in various police interviews a -- having</p> <p>10 seen your wife whisper in the ear of Lucy and say</p> <p>11 something and then -- before Lucy left. Do you</p> <p>12 remember talking about that at all?</p> <p>13 A. Yes, I -- I saw that last time. She was</p> <p>14 hugging Lucy, and she say something in her ear.</p> <p>15 Q. Was that right before Lucy left?</p> <p>16 A. Yes.</p> <p>17 Q. Why does that stick out in your mind?</p> <p>18 A. Because I saw her just hug Lucy and -- she</p> <p>19 hugged Lucy and she -- and she say something in her</p> <p>20 ear. That's why it's still in my mind. That's all</p> <p>21 I remember.</p> <p>22 Q. Did you think they were talking about you?</p> <p>23 A. I don't know.</p> <p>24 Q. Did you ask your wife about that</p> <p>25 conversation?</p>	<p>1 when we thought that there was going to be the black</p> <p>2 guy to come back and rob. That's one mistake I did.</p> <p>3 And another reason is that I was going to</p> <p>4 get her flower, another gift. I want to buy some</p> <p>5 flower for her again.</p> <p>6 Q. So you say you wanted to buy her another</p> <p>7 gift, you wanted to buy her flowers again.</p> <p>8 A. Yes.</p> <p>9 Q. Had you bought her flowers that day?</p> <p>10 A. No, I didn't.</p> <p>11 Q. When had you last bought her flowers?</p> <p>12 A. The day before -- a couple days before, I</p> <p>13 bought her flowers.</p> <p>14 Q. Where did you buy the flowers from?</p> <p>15 A. From the store.</p> <p>16 Q. What store?</p> <p>17 A. I don't remember.</p> <p>18 Q. What type of flowers?</p> <p>19 A. Fresh flower.</p> <p>20 Q. What type of flowers? Were they roses?</p> <p>21 A. Roses, different colors.</p> <p>22 Q. You don't remember the colors you got?</p> <p>23 A. Red, yellow, all kinds of color, purple.</p> <p>24 Q. Anything else besides roses that you</p> <p>25 remember in the flowers that you got your wife a few</p>

29 (Pages 110 to 113)

Videotaped Deposition of Itani Milleni

Page 114	Page 116
<p>1 days before she died?</p> <p>2 A. A lot of colors. That's all I remember.</p> <p>3 Different type of flowers.</p> <p>4 Q. Why were you getting her flowers?</p> <p>5 A. Because I love her and I want to say that</p> <p>6 I was sorry about our relationship, and I want to</p> <p>7 change and -- so we not fighting again.</p> <p>8 Q. Mr. Milleni, didn't you testify earlier,</p> <p>9 though, that the whole fighting was just a sham and</p> <p>10 that you were just trying to lie to CPS in order to</p> <p>11 get a divorce -- to make it look like you were going</p> <p>12 to get a divorce, but really your relationship was</p> <p>13 fine? Isn't that essentially the gist of what you</p> <p>14 told us earlier?</p> <p>15 MR. BROWN: Objection;</p> <p>16 mischaracterizes prior testimony.</p> <p>17 Q. (BY MS. MOORE) Isn't that true?</p> <p>18 A. You asked is that true about what?</p> <p>19 Q. You said that the reasons you bought her</p> <p>20 flowers was because you loved her and you wanted to</p> <p>21 say sorry about your relationship and that you</p> <p>22 wanted to change; is that true?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. You testified earlier today that you did</p> <p>25 not fight with your wife, correct?</p>	<p>1 Q. So you hit -- got angry, lost control and</p> <p>2 hit her shortly before she was murdered; is that</p> <p>3 correct?</p> <p>4 A. No, not shortly before she was murdered.</p> <p>5 You mean on the same day?</p> <p>6 Q. Not on the same day. Let's go back.</p> <p>7 You said between the time that CPS took</p> <p>8 the kids, correct --</p> <p>9 A. Yes.</p> <p>10 Q. -- and the time she was murdered --</p> <p>11 A. Right.</p> <p>12 Q. -- correct?</p> <p>13 A. Yes.</p> <p>14 Q. During that time period, you had another</p> <p>15 argument; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that argument was about her spitting</p> <p>18 in the parking lot of her business, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you took her inside --</p> <p>21 A. Yes.</p> <p>22 Q. -- correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you got angry with her?</p> <p>25 A. Yes, ma'am.</p>
Page 115	Page 117
<p>1 MR. BROWN: Objection;</p> <p>2 mischaracterizes prior testimony.</p> <p>3 Q. (BY MS. MOORE) Is that correct?</p> <p>4 A. I did not fight with my wife?</p> <p>5 Q. Did you testify earlier today -- did you</p> <p>6 fight with your wife?</p> <p>7 A. Yes.</p> <p>8 Q. Did you fight with your wife --</p> <p>9 A. On some occasions, yes.</p> <p>10 Q. Did you fight with your wife in the two</p> <p>11 weeks between the time the children were put into</p> <p>12 CPS's custody and the time that she was murdered?</p> <p>13 A. Yes. We had one more fight after that.</p> <p>14 Q. Okay. When was that fight?</p> <p>15 A. At the Signature Beauty Show.</p> <p>16 Q. And what was that fight about?</p> <p>17 A. We had some argument about something in</p> <p>18 the store, and she went outside and spitting on</p> <p>19 parking lot and on other people's car. And I called</p> <p>20 her back into the store, talk about it, you know.</p> <p>21 So she start arguing with me, and I got upset.</p> <p>22 Q. You got angry?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Did you hit her?</p> <p>25 A. Yes, ma'am, I did.</p>	<p>1 Q. You got upset with her?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Did you lose control?</p> <p>4 A. Yes, ma'am, I did.</p> <p>5 Q. And you hit her?</p> <p>6 A. Yes, I did.</p> <p>7 Q. How did you hit her?</p> <p>8 A. Like just knock her on the head.</p> <p>9 Q. Knocked her on the head?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you punch her in the head?</p> <p>12 A. Yes, I did.</p> <p>13 Q. With your first?</p> <p>14 A. With my hand, yes.</p> <p>15 Q. Did you -- did anybody witness this?</p> <p>16 A. Yes.</p> <p>17 Q. Who witnessed it?</p> <p>18 A. The niece.</p> <p>19 Q. Are you saying the niece?</p> <p>20 A. Niece, her niece.</p> <p>21 Q. Okay. Is that Diep?</p> <p>22 A. Diep, yes.</p> <p>23 Q. Were the police -- was the police called?</p> <p>24 A. Yes, somebody called the police.</p> <p>25 Q. And did the police come out?</p>

30 (Pages 114 to 117)

Videotaped Deposition of Itani Milleni

Page 118	Page 120
<p>1 A. Yes, he did.</p> <p>2 Q. Were you arrested?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Is that the first time the police have</p> <p>5 been called out -- actually, I'm going to come back</p> <p>6 to that.</p> <p>7 So you were not arrested. What did you</p> <p>8 tell the police about that incident?</p> <p>9 A. I explained to him exactly what happened</p> <p>10 and I guess I lost control and I hit her.</p> <p>11 Q. And so it was after this incident that you</p> <p>12 went to go purchase flowers for her, correct?</p> <p>13 A. I remember so -- some -- several days</p> <p>14 after that. Maybe before that or after that. I</p> <p>15 don't remember when I purchased the flower.</p> <p>16 Q. Was it around the time that this incident</p> <p>17 happened?</p> <p>18 A. Several days before her death.</p> <p>19 Q. So I thought I remember your testimony</p> <p>20 that you bought these flowers to apologize for this</p> <p>21 incident; is that correct?</p> <p>22 MR. BROWN: Objection;</p> <p>23 mischaracterizes prior testimony.</p> <p>24 Q. (BY MS. MOORE) I'm just asking what -- is</p> <p>25 that correct? Did you buy these flowers to</p>	<p>1 Q. Going back to the incident that happened</p> <p>2 with you hitting her in the head in the shop, do you</p> <p>3 know where inside the shop that that incident took</p> <p>4 place?</p> <p>5 A. Yeah, at the front counter.</p> <p>6 Q. And you said her niece -- or was it her</p> <p>7 niece or your niece that witnessed it?</p> <p>8 A. Her niece.</p> <p>9 Q. Was there anybody else to witness that</p> <p>10 incident?</p> <p>11 A. No.</p> <p>12 Q. Did she fall to the ground when you hit</p> <p>13 her in the head?</p> <p>14 A. No.</p> <p>15 Q. So going back to -- you said that there</p> <p>16 were two reasons, if I -- that -- that you left that</p> <p>17 night. One, it was just a mistake, correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. The second was you wanted to go buy her</p> <p>20 flowers, correct?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And you said you -- did you</p> <p>23 actually leave there and go buy flowers?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Where did you go?</p>
Page 119	Page 121
<p>1 apologize for hitting her in the head at her store a</p> <p>2 few weeks before she was killed?</p> <p>3 A. No.</p> <p>4 Q. Okay. When did you buy her flowers?</p> <p>5 A. I don't remember.</p> <p>6 Q. Why did you buy her flowers?</p> <p>7 A. Show her that I'm sorry, I love her, I</p> <p>8 want to apologize what I did, arguing with her,</p> <p>9 fighting with her. I just want to rebuild, you</p> <p>10 know, our relationship so we don't fight again.</p> <p>11 Q. So you're saying it was just because you</p> <p>12 were arguing with her, fighting with her, but it</p> <p>13 wasn't a specific event that you were trying to</p> <p>14 apologize for?</p> <p>15 A. Not a specific event, no.</p> <p>16 Q. Okay. Because you argued with her</p> <p>17 frequently, correct?</p> <p>18 A. Not -- verbally, yes. Frequently, like --</p> <p>19 but not frequently. Like sometime when something</p> <p>20 comes up, I disagree with her, and I yell at her.</p> <p>21 Q. What did you disagree about?</p> <p>22 A. Something like business, the business, how</p> <p>23 she runs the business, and things in the house. I</p> <p>24 don't know. We just had started arguing. We keep</p> <p>25 arguing.</p>	<p>1 A. I went to a -- a store. I don't remember</p> <p>2 what store I went to and I changed -- but I changed</p> <p>3 my mind, and I didn't buy her flowers.</p> <p>4 Q. So you were going to buy her flowers, but</p> <p>5 you ended up not buying her flowers?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And you don't remember which store</p> <p>8 you went to?</p> <p>9 A. No.</p> <p>10 Q. So are you saying --</p> <p>11 A. I didn't go inside the store. I don't</p> <p>12 remember the store. I was looking for a flower</p> <p>13 shop.</p> <p>14 Q. Did you go directly from the shop to try</p> <p>15 to find a flower shop?</p> <p>16 A. Yes.</p> <p>17 Q. Is that the first stop that you did?</p> <p>18 A. Yes.</p> <p>19 Q. Or the first -- that's the first place you</p> <p>20 were going after you --</p> <p>21 A. Yes.</p> <p>22 Q. -- claim you left the store, correct?</p> <p>23 A. Yes.</p> <p>24 Q. What made you change your mind?</p> <p>25 A. I don't -- I don't know -- remember. I</p>

31 (Pages 118 to 121)

Videotaped Deposition of Itani Milleni

Page 122	Page 124
<p>1 guess I wanted to do it another day, buy flowers</p> <p>2 another day.</p> <p>3 Q. So you were -- you wanted to -- you</p> <p>4 initially were going to leave to go buy her flowers</p> <p>5 because you said you loved her and you wanted to --</p> <p>6 you wanted to tell her you were sorry, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that you went to try to find a flower</p> <p>9 store. Did you actually find one?</p> <p>10 A. No, I didn't find one.</p> <p>11 Q. And then you just decided not to get</p> <p>12 flowers?</p> <p>13 A. Right.</p> <p>14 Q. Did you decide that you weren't sorry</p> <p>15 anymore?</p> <p>16 MR. BROWN: Objection. It's</p> <p>17 argumentative.</p> <p>18 Q. (BY MS. MOORE) You can answer the</p> <p>19 question.</p> <p>20 Were you sorry at the time that -- that</p> <p>21 you went to go look for a flower shop?</p> <p>22 A. Was I sorry about what?</p> <p>23 Q. About how your relationship with Tuyet</p> <p>24 Tran had been.</p> <p>25 A. Yes, I was sorry.</p>	<p>1 Q. You didn't go anywhere else between -- you</p> <p>2 said you stopped -- you were parked in a parking</p> <p>3 lot. Are you saying you were parked in the parking</p> <p>4 lot of a flower shop? You said you --</p> <p>5 A. I'm sorry. Say it again.</p> <p>6 Q. You said you were parked in a parking lot.</p> <p>7 Was that a parking lot of a flower shop or a flower</p> <p>8 store?</p> <p>9 A. Yes.</p> <p>10 Q. Did anybody see you come home?</p> <p>11 A. Yes. Robbins Mitchell was there when I</p> <p>12 got to the house.</p> <p>13 Q. Did you talk with him whenever you got</p> <p>14 home?</p> <p>15 A. Yes. He heard some noise, and he say</p> <p>16 hello and I say hello. And I was there in the</p> <p>17 kitchen.</p> <p>18 Q. Did he come down to the kitchen and you</p> <p>19 talked?</p> <p>20 A. I don't remember. He might have been in</p> <p>21 the living room or the TV room. I don't remember.</p> <p>22 But I was tired. I just sit down, and I went into</p> <p>23 the kitchen room and...</p> <p>24 Q. And you went into the which room?</p> <p>25 A. Kitchen.</p>
Page 123	Page 125
<p>1 Q. Were you no longer sorry? Is that the</p> <p>2 reason why you did not get her flowers that night?</p> <p>3 A. No, that was not the reason.</p> <p>4 Q. Then what was the reason?</p> <p>5 A. I don't remember -- I don't know what the</p> <p>6 reason, but I changed my mind. I didn't buy her</p> <p>7 flowers --</p> <p>8 Q. Okay.</p> <p>9 A. -- on that night.</p> <p>10 Q. Okay. And where did you -- so you tried</p> <p>11 to find a flower shop. You couldn't find one.</p> <p>12 Where did you go next?</p> <p>13 A. Home.</p> <p>14 Q. About what time did you get home?</p> <p>15 A. I don't remember. It was late, dark. I</p> <p>16 don't -- that's all I remember. I don't remember</p> <p>17 the exact time.</p> <p>18 Q. How long were you driving looking for a</p> <p>19 flower store?</p> <p>20 A. I don't remember. I just keep driving</p> <p>21 around looking for a flower shop. I park in the</p> <p>22 parking lot thinking and -- about us, our</p> <p>23 relationship. I didn't go inside the store, buy the</p> <p>24 flower, and I continued driving around and then went</p> <p>25 home.</p>	<p>1 Q. Okay. And you don't remember what time it</p> <p>2 was?</p> <p>3 A. No, ma'am.</p> <p>4 Q. What did you do after you got home?</p> <p>5 A. I went to -- upstairs get a shower.</p> <p>6 Q. What did you do after that?</p> <p>7 A. I got on the computer and paid bills and</p> <p>8 checked emails and checked mails.</p> <p>9 Q. Now, Hai Pham was flying in that evening;</p> <p>10 is that correct?</p> <p>11 A. I remember he came in from outside of</p> <p>12 state.</p> <p>13 Q. Did you talk to Hai Pham that evening?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Okay. Did he call you, or did you call</p> <p>16 him?</p> <p>17 A. I don't remember.</p> <p>18 Q. What did you talk about?</p> <p>19 A. We make another appointment the next day</p> <p>20 to discuss about the business, about the show, the</p> <p>21 student.</p> <p>22 Q. Did you discuss anything else?</p> <p>23 A. That's it.</p> <p>24 Q. What time did you have that conversation?</p> <p>25 A. I don't remember.</p>

32 (Pages 122 to 125)

Videotaped Deposition of Itani Milleni

Page 126	Page 128
<p>1 Q. Was it after you got home?</p> <p>2 A. After I get home?</p> <p>3 Q. Did you have that conversation with Hai</p> <p>4 Pham after you got home that -- that night --</p> <p>5 A. No.</p> <p>6 Q. -- that we're --</p> <p>7 A. No.</p> <p>8 Q. -- talking about?</p> <p>9 A. No.</p> <p>10 Q. Okay. When -- do you remember what time</p> <p>11 you had that conversation?</p> <p>12 A. Maybe a day before, but not on that day.</p> <p>13 Q. So you did not talk with Hai Pham on -- on</p> <p>14 the last day that -- that you saw your wife?</p> <p>15 A. I might have. I don't remember I talked</p> <p>16 with him on that day.</p> <p>17 Q. So you --</p> <p>18 A. I might have when I -- I don't remember.</p> <p>19 I talked with him on that day or the day before. I</p> <p>20 don't remember that, but we made appoint- -- we made</p> <p>21 appointment to see the next day after the show. I</p> <p>22 might have talked with him on that day.</p> <p>23 Q. Which day?</p> <p>24 A. On the day that the -- I believe my wife</p> <p>25 was murdered.</p>	<p>1 Q. You thought that -- so your wife was</p> <p>2 staying at Cindy's house, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Was that part of the plan too, that the --</p> <p>5 you know, to lie to CPS by having -- by having Tuyet</p> <p>6 spend the night or stay with Cindy? Was that part</p> <p>7 of the plan?</p> <p>8 A. Yes, ma'am --</p> <p>9 Q. Okay.</p> <p>10 A. -- stay with Cindy separate from me.</p> <p>11 Q. So Cindy calls you around midnight and</p> <p>12 says where's -- where's Tuyet? And you say, I don't</p> <p>13 know. She's supposed to be staying with you,</p> <p>14 essentially; is that right?</p> <p>15 A. Right. And I told her if she's not there,</p> <p>16 she could have been at Anna's house. And that was</p> <p>17 it.</p> <p>18 Q. Did you try calling Tuyet after you had</p> <p>19 that conversation with Cindy?</p> <p>20 A. Yes.</p> <p>21 Q. How many times?</p> <p>22 A. I don't remember. Maybe one or two times.</p> <p>23 Q. Did you call Anna after that call with</p> <p>24 Cindy?</p> <p>25 A. No, I didn't call Anna.</p>
Page 127	Page 129
<p>1 Q. Okay. So did you get any other phone</p> <p>2 calls that evening?</p> <p>3 MR. BROWN: By "that evening," do you</p> <p>4 mean the evening of the 20th?</p> <p>5 MS. MOORE: Yes.</p> <p>6 A. On this evening when my wife was murdered?</p> <p>7 Q. (BY MS. MOORE) Yes.</p> <p>8 A. I didn't get any phone call.</p> <p>9 Q. You didn't get any phone calls?</p> <p>10 A. On that day?</p> <p>11 Q. On that day, on that evening when you got</p> <p>12 home.</p> <p>13 A. When I got home after -- when I was paying</p> <p>14 bills on the computer, I received a call.</p> <p>15 Q. Who called you?</p> <p>16 A. Cindy called me.</p> <p>17 Q. What time did she call?</p> <p>18 A. At night, midnight.</p> <p>19 Q. Midnight? And what did Cindy tell you?</p> <p>20 A. She said -- she asked me where my wife</p> <p>21 was.</p> <p>22 Q. And what did you say?</p> <p>23 A. I told her I don't know. She's not here</p> <p>24 with me. She's -- I told her I thought she was at</p> <p>25 her house. Why is she calling me?</p>	<p>1 Q. But that's where you thought your wife</p> <p>2 would be, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And this was after -- this was midnight or</p> <p>5 after midnight?</p> <p>6 A. Yes.</p> <p>7 Q. Did you get a call from someone else named</p> <p>8 Thuy Nguyen?</p> <p>9 A. From who?</p> <p>10 Q. Thuy, T-h-u-y, Thuy Nguyen.</p> <p>11 A. Thuy Nguyen? The same name as my wife?</p> <p>12 Q. No. T-h-u-y?</p> <p>13 A. T-h-u- -- oh, now I remember. Yes.</p> <p>14 MR. BROWN: Are you talking about the</p> <p>15 evening of the 20th, still?</p> <p>16 MS. MOORE: Yes.</p> <p>17 A. Yes. Yes. I remember --</p> <p>18 Q. (BY MS. MOORE) I will tell you when I'm</p> <p>19 off --</p> <p>20 A. -- now. Yes.</p> <p>21 Q. I will tell you when I'm off the 20th.</p> <p>22 A. Thuy, Thuy. We call her Thuy. I'm sorry.</p> <p>23 Yes, I remember.</p> <p>24 Q. Okay.</p> <p>25 A. Thank you for refreshing my memory.</p>

33 (Pages 126 to 129)

Videotaped Deposition of Itani Milleni

Page 130	Page 132
<p>1 Q. All right. Do you -- okay. So you did 2 get another call, then, correct, from -- 3 A. Yes. Correct. 4 Q. And -- 5 A. Thuy, yes. 6 Q. -- who -- who is Thuy? 7 A. Thuy is -- she owns a USA Nails and Spa in 8 Galveston city. She come to my wife's shop 9 regularly to buy products for her shop, supplies. 10 So she our friends. 11 Q. And do you remember approximately when you 12 talked with her that night? 13 A. I don't remember. She called before Cindy 14 or after Cindy called, yes, but that night she 15 called. 16 Q. Okay. And did she call you looking for 17 your wife? 18 A. Yes. She asked me the same thing, 19 where -- where my wife was. 20 Q. So this is the second person who's called 21 you that night asking where is Tuyet -- 22 A. Yes. 23 Q. -- correct? 24 A. Yes. 25 Q. And what did you tell her?</p>	<p>1 A. Yes. 2 Q. -- correct? 3 And did you typically -- did you ever 4 text -- did you ever exchange any text messages with 5 your wife? 6 A. Not very often. 7 Q. Okay. So if you were going to try to 8 contact her, you would have tried calling her, 9 correct? 10 A. Yes. 11 Q. And you said you called her several times 12 after you spoke with Cindy, correct? 13 A. Yes. 14 Q. And you say you don't remember whether or 15 not you tried calling her after you spoke with Thuy, 16 correct? 17 A. Correct. 18 Q. Now, you've had this -- I'm sorry. 19 What number did you call to try to reach 20 your wife? 21 A. I don't remember the number. 22 Q. Do you remember your wife's phone number? 23 A. No, ma'am. 24 Q. Did you try calling -- did she have a cell 25 phone?</p>
Page 131	Page 133
<p>1 A. She asked me where's my wife. She wanted 2 to buy some product. Is the store open? I said, 3 no, the store is closed. Nobody there. And she 4 said she wants to buy some product. I said I 5 don't -- the store is closed. That was it. 6 Q. Did you tell -- 7 A. I think she was looking for my wife too. 8 That's all I know, and I told her the store is 9 closed. 10 Q. You said -- 11 A. And usually she handled the business with 12 my wife, so I stay out of it. I say I don't know. 13 I told her the store is closed. 14 Q. You said several times now that the store 15 was closed. Did you tell her don't go to the store? 16 A. Yes. 17 Q. Did you try calling Tuyet after your 18 conversation with Thuy? 19 A. Did I call my wife after? 20 Q. Yes. 21 A. I don't remember. I remember I called my 22 wife several times that night, but I don't remember 23 after Thuy or before Thuy. 24 Q. Okay. You called, though -- you do 25 remember calling her after you spoke with Cindy --</p>	<p>1 A. Yes, she has -- 2 Q. Okay. 3 A. -- two cellular phones. 4 Q. So she had two cell phones? 5 A. Yes. 6 Q. And one cell phone -- what type -- what 7 was -- what -- what brand was one of the cell 8 phones? 9 A. I remember one is iPhone. The other one 10 is Samsung phone. 11 Q. And was one a personal phone and the other 12 a work phone? 13 A. She's using two phones. That's all I 14 know. 15 Q. You don't know why she was using two 16 phones? 17 A. She wanted to have two numbers. 18 MS. MOORE: Objection; nonresponsive. 19 Q. (BY MS. MOORE) Why was -- do you know why 20 she had two phones? 21 A. No. 22 Q. Did you ever discuss with her why she had 23 two phones? 24 A. No. She asked for it, and I got it for 25 her, two numbers. That's...</p>

34 (Pages 130 to 133)

Videotaped Deposition of Itani Milleni

Page 134	Page 136
<p>1 Q. Did you have two phones?</p> <p>2 A. One phone.</p> <p>3 Q. When you tried reaching her that night</p> <p>4 after speaking with Cindy, did you call her iPhone</p> <p>5 or did you call your wife's Samsung?</p> <p>6 A. I don't remember what number I called.</p> <p>7 Q. Did you just call one number, or did you</p> <p>8 call two?</p> <p>9 A. I don't remember if I called one number or</p> <p>10 two numbers. I don't remember.</p> <p>11 Q. So you could have just called one? You</p> <p>12 just don't remember?</p> <p>13 A. I don't remember how many times -- times I</p> <p>14 called or how many numbers.</p> <p>15 Q. Did you call more than five times?</p> <p>16 A. No.</p> <p>17 Q. Okay. So after you had this conversation</p> <p>18 with Cindy -- and it was late, correct? It was</p> <p>19 midnight or after, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did you just -- what did you do after</p> <p>22 that?</p> <p>23 A. I paid bills on the -- I went back to my</p> <p>24 computer, paid bills, checked my emails.</p> <p>25 Q. What time did you go to bed?</p>	<p>1 A. Yes.</p> <p>2 Q. What time did you wake up the next</p> <p>3 morning?</p> <p>4 A. 7:00, 7:30.</p> <p>5 Q. Did you wake up to go to work?</p> <p>6 A. Yes.</p> <p>7 Q. Did you get dressed and go to work?</p> <p>8 A. Yes.</p> <p>9 Q. What time did you arrive at work that</p> <p>10 morning?</p> <p>11 A. 8:00 -- 8:00, 8:30.</p> <p>12 Q. What were your typical hours, again?</p> <p>13 A. From 8 o'clock to 6:00.</p> <p>14 Q. So you were 30 minutes late that morning?</p> <p>15 A. No. I usually show up at 8:30 to work.</p> <p>16 Sometimes I come in early, sometimes late, but</p> <p>17 around 8:30, 8 o'clock, 8:30.</p> <p>18 Q. Did you try calling your wife again in the</p> <p>19 morning whenever you got up?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. Because I didn't call her. I just didn't</p> <p>23 call her back.</p> <p>24 Q. You weren't worried that -- that several</p> <p>25 people had tried to reach her, you had tried to</p>
Page 135	Page 137
<p>1 A. Right after that.</p> <p>2 Q. About what time?</p> <p>3 A. 1:00 or 2 o'clock, 1:00. After I talked</p> <p>4 with Cindy, after I paid the bills, I went to bed.</p> <p>5 Q. So Cindy calls and tells you she can't get</p> <p>6 ahold of Tuyet. You tried calling your wife. You</p> <p>7 can't reach her. And then you went to bed. Is that</p> <p>8 your testimony?</p> <p>9 A. Yes, ma'am.</p> <p>10 (Mr. Binford leaves the room.)</p> <p>11 Q. (BY MS. MOORE) Did you leave any</p> <p>12 voicemails for your wife?</p> <p>13 A. I don't remember. I might have left her a</p> <p>14 voicemail. I don't remember.</p> <p>15 Q. Did you sleep through the night?</p> <p>16 A. I'm sorry?</p> <p>17 Q. Did you sleep through the night?</p> <p>18 A. Yes.</p> <p>19 Q. You woke up the next morning. Did you</p> <p>20 have work the next day?</p> <p>21 A. Yes.</p> <p>22 Q. Do you typically stay up that late when</p> <p>23 you have work the next day?</p> <p>24 A. Yes.</p> <p>25 Q. Until 1:00 or 2:00 a.m.?</p>	<p>1 reach her, and you hadn't been able to get ahold of</p> <p>2 her?</p> <p>3 A. No.</p> <p>4 Q. That didn't concern you?</p> <p>5 A. At that night it was, but then I went to</p> <p>6 sleep, and then in the morning I just went to work.</p> <p>7 Q. Okay.</p> <p>8 A. Because -- and I was thinking about her,</p> <p>9 yes. She was in my mind. I was thinking about her</p> <p>10 at work.</p> <p>11 Q. You were thinking about her --</p> <p>12 A. But I didn't call her. I thought about</p> <p>13 it, but I didn't call her.</p> <p>14 Q. Okay. What were you thinking about in</p> <p>15 reference to her, then?</p> <p>16 A. About us.</p> <p>17 Q. Well, what about you and her?</p> <p>18 A. Just about us.</p> <p>19 Q. Can you explain a little bit more?</p> <p>20 A. About us in -- fighting and about us</p> <p>21 loving each others and get back together again and</p> <p>22 how to deal with the kids.</p> <p>23 Q. So you were thinking about her, but you</p> <p>24 didn't call her, correct?</p> <p>25 A. Correct.</p>

35 (Pages 134 to 137)

Videotaped Deposition of Itani Milleni

Page 138	Page 140
<p>1 Q. And so what is the next thing that --</p> <p>2 that -- or did somebody end up calling you that</p> <p>3 morning?</p> <p>4 A. Yes. Hai -- Hai called me that morning.</p> <p>5 Q. Is Hai the only one that called you that</p> <p>6 morning?</p> <p>7 A. I think Cindy called me too that morning.</p> <p>8 Q. Did Anna call you?</p> <p>9 A. No. I'm sorry. Hai and Anna. You're</p> <p>10 right. Hai and Anna called me.</p> <p>11 Q. Who called you first?</p> <p>12 A. I don't remember who called me first.</p> <p>13 Q. Okay. And when Hai called, what did he</p> <p>14 tell you?</p> <p>15 A. Okay. I told him we agree to the -- to</p> <p>16 the meeting at the shop. He's -- we agreed to talk</p> <p>17 about the business and be at the shop to talk about</p> <p>18 the business.</p> <p>19 Q. So this is the next morning?</p> <p>20 A. Yes.</p> <p>21 Q. This is the 21st --</p> <p>22 A. Yes.</p> <p>23 Q. -- correct?</p> <p>24 A. Yes.</p> <p>25 Q. And Hai calls you in the morning?</p>	<p>1 speaking to --</p> <p>2 A. I'm sorry. Anna or Hai. I don't remember</p> <p>3 who told me. Either Hai or Anna. I don't remember</p> <p>4 who -- who say that.</p> <p>5 Q. Did Anna tell you that -- that Tuyet</p> <p>6 wasn't at the shop and that she had tried calling</p> <p>7 her numerous times and couldn't reach her? Do you</p> <p>8 remember Anna saying that to you that morning?</p> <p>9 A. She tried to call me?</p> <p>10 Q. Do you remember Anna saying that she tried</p> <p>11 to call Tuyet and couldn't reach her that morning?</p> <p>12 Do you remember Anna saying that to you?</p> <p>13 A. I don't remember that.</p> <p>14 Q. Did -- after you had the call with Anna,</p> <p>15 did you try calling your wife?</p> <p>16 A. No.</p> <p>17 Q. But either -- you're saying either Hai or</p> <p>18 Anna had told you that your wife was dead, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then what did you do then?</p> <p>21 A. I told Hari, let me go early. I need</p> <p>22 personal -- to go to the shop and check on her.</p> <p>23 Q. What time did you arrive at the shop?</p> <p>24 A. I don't remember. Maybe 10 o'clock in the</p> <p>25 morning.</p>
Page 139	Page 141
<p>1 A. Yes.</p> <p>2 Q. And he -- and you say that you're agreeing</p> <p>3 to meet at the shop, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you discuss anything else in that</p> <p>6 call --</p> <p>7 A. About --</p> <p>8 Q. -- with Hai?</p> <p>9 A. Hai -- about meeting at the shop to talk</p> <p>10 about the business, yes.</p> <p>11 Q. And you didn't discuss anything else?</p> <p>12 A. No.</p> <p>13 Q. And that morning you said that Anna called</p> <p>14 you as well?</p> <p>15 A. Yes.</p> <p>16 Q. And what did Anna discuss with you?</p> <p>17 A. Anna say that the -- she think the store</p> <p>18 was broken in, somebody break into the store and</p> <p>19 there's furnitures everywhere on the floor, and she</p> <p>20 think that my wife is dead.</p> <p>21 Q. So Anna told you that -- that your wife</p> <p>22 was dead?</p> <p>23 A. I don't remember if Cindy told me or Hai</p> <p>24 told me. I don't remember.</p> <p>25 Q. Cindy or Anna? I thought you were</p>	<p>1 Q. Okay.</p> <p>2 (Off-the-record discussion.)</p> <p>3 (Exhibit No. 7 was marked.)</p> <p>4 MR. BROWN: Thank you.</p> <p>5 Q. (BY MS. MOORE) Mr. Milleni, I'm handing</p> <p>6 you what I've marked as your Deposition Exhibit 7,</p> <p>7 which is a police report prepared by the Houston</p> <p>8 Police Department.</p> <p>9 Have you ever seen this document before?</p> <p>10 A. No.</p> <p>11 Q. Actually, that reminds me. What -- what</p> <p>12 documents did you review you to refresh your</p> <p>13 recollection today? Any documents?</p> <p>14 A. I looked at the transcript that -- the CPS</p> <p>15 case.</p> <p>16 Q. Any others?</p> <p>17 A. No. That was it.</p> <p>18 Q. If you will turn to page -- it's marked</p> <p>19 TRAN 1445, and it is Page 6 of 24.</p> <p>20 Actually, turn to the page right before</p> <p>21 that, Page 5, and it's TRAN 1444. At the bottom</p> <p>22 you'll see a statement made by Hai Kenny Pham. Is</p> <p>23 that the Hai Pham we've been talking about today?</p> <p>24 A. Where is that?</p> <p>25 Q. Is it about two-thirds of the way down.</p>

36 (Pages 138 to 141)

Videotaped Deposition of Itani Milleni

Page 142	Page 144
<p>1 MR. BROWN: Wrong page. (Indicating).</p> <p>2 A. Hai Pham, yes. Hai Kenny Pham, right.</p> <p>3 Q. (BY MS. MOORE) And the address, 15518</p> <p>4 Valley Creek Drive, Houston Texas 77095, was that</p> <p>5 Hai's address?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Do you remember his phone number?</p> <p>8 A. No.</p> <p>9 Q. So Hai says -- if you go to the next page</p> <p>10 at the top, 1445, Hai seems to have told the police</p> <p>11 that he called you to see if you knew where Tuyet</p> <p>12 was.</p> <p>13 A. Yes.</p> <p>14 Q. Did that -- do you remember receiving that</p> <p>15 call?</p> <p>16 A. I recall -- yes. I talked with Hai that</p> <p>17 morning.</p> <p>18 Q. So you didn't just talk about meeting at</p> <p>19 the business. You also talked about Tuyet, correct?</p> <p>20 A. I -- I don't remember I talked with Hai</p> <p>21 about my wife. He might have talked about my wife.</p> <p>22 He -- he might have said the -- the store has a</p> <p>23 robbery, the door was open or something like that.</p> <p>24 But he said -- I don't remember who say that my wife</p> <p>25 was dead.</p>	<p>1 A. I don't know what he asked me. He might</p> <p>2 have asked me that question. I don't remember</p> <p>3 all -- I don't remember that question.</p> <p>4 Q. Do you remember being told by somebody</p> <p>5 over the phone that your wife was dead?</p> <p>6 A. Yes, I remember that.</p> <p>7 Q. Okay. So that sticks out in your mind,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you don't remember who, though -- who</p> <p>11 told you?</p> <p>12 A. It's either Hai or Anna.</p> <p>13 That was the only thing that stick</p> <p>14 out. I don't remember what else. I don't</p> <p>15 remember --</p> <p>16 Q. Do you remember --</p> <p>17 A. -- all this stuff.</p> <p>18 Q. Do you remember getting -- drive -- did</p> <p>19 you -- you drove to the shop, correct, that morning?</p> <p>20 Once you found -- once somebody told you on the</p> <p>21 phone that your wife was -- was dead --</p> <p>22 A. Yes.</p> <p>23 Q. -- did you go to the shop?</p> <p>24 A. Yes, I did.</p> <p>25 Q. Okay. How long of a drive is it?</p>
Page 143	Page 145
<p>1 Q. Okay. So did you -- do you remember</p> <p>2 saying that -- do you remember telling Hai that</p> <p>3 Tuyet was supposed to stay at her friend Cindy's</p> <p>4 house that night?</p> <p>5 A. No, I don't remember.</p> <p>6 Q. Do you remember Hai asking you to text</p> <p>7 you -- text him Cindy's phone number?</p> <p>8 A. No, I don't remember that.</p> <p>9 Q. Do you remember Hai calling you back when</p> <p>10 you didn't text that phone number to him?</p> <p>11 A. No, I don't remember that. He didn't ask</p> <p>12 for any phone number.</p> <p>13 Q. He didn't ask for any phone numbers in</p> <p>14 your call with him?</p> <p>15 A. I remember he didn't ask for any phone</p> <p>16 number.</p> <p>17 Q. Okay. Do you think he's lying to the</p> <p>18 police?</p> <p>19 A. About what?</p> <p>20 Q. About asking you for Cindy's phone number.</p> <p>21 A. Asking for -- I don't remember he asked</p> <p>22 for Cindy's phone number. I don't...</p> <p>23 Q. So if he told the police that he did ask</p> <p>24 you that morning for Cindy's phone number, is he not</p> <p>25 telling the truth?</p>	<p>1 A. (Pauses.)</p> <p>2 Q. Let me ask a better question.</p> <p>3 A. About 30 --</p> <p>4 Q. Let me ask a question -- let me ask a</p> <p>5 better question.</p> <p>6 How long of a drive is it between your</p> <p>7 house at 9226 Sandstone and the Signature Beauty</p> <p>8 Show?</p> <p>9 A. Very short, not far.</p> <p>10 Q. Was it less than ten minutes?</p> <p>11 A. Yes.</p> <p>12 Q. How far is it from -- where -- where is --</p> <p>13 where was Adara Communities located?</p> <p>14 A. 1960, FM 1960 and Stuebner Airline.</p> <p>15 Q. How long is the drive between Adara</p> <p>16 Communities at 1960 and Stuebner and the shop?</p> <p>17 A. Thirty minutes.</p> <p>18 Q. How long did it take you to get from work</p> <p>19 to the shop that morning?</p> <p>20 A. I don't -- maybe 30 minutes.</p> <p>21 Q. And when you got there, the police were</p> <p>22 already there, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And the police questioned you that day,</p> <p>25 correct?</p>

37 (Pages 142 to 145)

Videotaped Deposition of Itani Milleni

Page 146	Page 148
<p>1 A. Yes, ma'am.</p> <p>2 Q. They interviewed you several times?</p> <p>3 A. Yes.</p> <p>4 Q. What times were you interviewed by the</p> <p>5 police that day? And I'm talking about the 21st.</p> <p>6 A. When I got there, Mr. Windell took me into</p> <p>7 his car and interviewed me right there in his car.</p> <p>8 Q. And did you go back to the police station</p> <p>9 for another interview?</p> <p>10 A. Yes. He --</p> <p>11 Q. Did you go straight from the shop to -- to</p> <p>12 the police station?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Do you remember what time the other</p> <p>15 interviews of you happened that day? Let me ask a</p> <p>16 better question.</p> <p>17 Did you -- how late were you at the</p> <p>18 police department that night?</p> <p>19 A. I remember when they released me, I got</p> <p>20 out, it was dark outside.</p> <p>21 Q. Where did you go after you left the police</p> <p>22 station?</p> <p>23 A. I went straight home. The -- a police</p> <p>24 drove me home.</p> <p>25 Q. Was your car still at the shop?</p>	<p>1 A. I don't -- I don't remember if I went to</p> <p>2 work the next day.</p> <p>3 Q. How did you get your car?</p> <p>4 A. How did I get my car? I don't -- I</p> <p>5 remember when I left the Signature Beauty Show, I</p> <p>6 left my car there -- in the police car and the</p> <p>7 police took me home. I don't remember how I went</p> <p>8 back to work. I don't remember.</p> <p>9 Q. You just don't remember one way or the</p> <p>10 other?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Are you doing okay? Do you need a break?</p> <p>13 A. No. I'm fine.</p> <p>14 Q. Okay. Will you turn back to Exhibit 1,</p> <p>15 please.</p> <p>16 Will you turn to Page 5 of that document?</p> <p>17 Actually, turn to Page 4. I want to ask you about</p> <p>18 your answer to Interrogatory No. 4.</p> <p>19 A. Okay.</p> <p>20 Q. In this interrogatory we asked you to</p> <p>21 answer under oath if you had ever hit, choked, or</p> <p>22 otherwise physically assaulted Tuyet Tran at any</p> <p>23 point between August 1st, 2001 and July 21st, 2015.</p> <p>24 And we asked you questions about each incident that</p> <p>25 you -- when that happened.</p>
Page 147	Page 149
<p>1 A. Yes.</p> <p>2 Q. Why did the police drive you to your home</p> <p>3 and not to go get your car --</p> <p>4 MR. BROWN: Objection; calls for</p> <p>5 speculation.</p> <p>6 Q. (BY MS. MOORE) -- if you know?</p> <p>7 A. Why did the police drove me home?</p> <p>8 Q. Yes.</p> <p>9 A. Because when I got outside, I didn't have</p> <p>10 a car, and it was late and nobody around. So I</p> <p>11 remember I told the police that I've got no way to</p> <p>12 get home, so he offered to took me -- drive me home.</p> <p>13 Q. And about what time do you think you got</p> <p>14 home?</p> <p>15 A. I -- late at night.</p> <p>16 Q. What time did you go to bed?</p> <p>17 A. I don't remember.</p> <p>18 Q. Was it late?</p> <p>19 A. Yes.</p> <p>20 Q. Did you sleep through the night?</p> <p>21 A. No.</p> <p>22 Q. What time did you wake up the next</p> <p>23 morning?</p> <p>24 A. I don't remember what time I got up.</p> <p>25 Q. Did you go to work the next day?</p>	<p>1 And your answer, if you turn to the next</p> <p>2 page, on Page 5, you said, "Yes." And you said,</p> <p>3 though, that it was about 12 years ago when you</p> <p>4 lived at 12 -- excuse me, 19822 Hidden Shadow -- I</p> <p>5 think it says -- that may be a typo. Is "Labe"</p> <p>6 supposed to be "Lake," Cypress, Texas?</p> <p>7 Do you see the answer?</p> <p>8 A. Yeah, I see. Yes.</p> <p>9 Q. Okay. So it has "Yes, about 12 years ago</p> <p>10 when we lived at 19822 Hidden Shadow." And is that</p> <p>11 word -- is it supposed to "Labe," L-a-b-e, or Lake?</p> <p>12 A. Lane.</p> <p>13 Q. Lane?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Cypress, Texas --</p> <p>16 A. Yeah.</p> <p>17 Q. -- correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And this Hidden Shadow residence, that was</p> <p>20 the home that you purchased, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Tell me about this incident that you claim</p> <p>23 happened 12 years ago.</p> <p>24 MR. BROWN: Objection; relevance. You</p> <p>25 can answer.</p>

38 (Pages 146 to 149)

Videotaped Deposition of Itani Milleni

Page 150	Page 152
<p>1 A. On that date, we had some argument. And I 2 told my wife, okay, stay home. I'm going to leave 3 work early, get permission to leave work early, and 4 I go home and have a talk with her at home. My boss 5 let me leave early to take care of my personal 6 business. 7 So I went home -- before -- and before I 8 went home, I start calling. But after that, after 9 we agreed to meet at home to have a personal talk, 10 she just never answered the phone -- my phone again. 11 Q. (BY MS. MOORE) Did that make you mad? 12 A. So -- no, not -- not yet. 13 Q. Okay. 14 A. And then I start worrying. Okay. We're 15 going to be home to -- I leave work early to come 16 home to meet her, and she was not home. So I've 17 been -- I remember I've been -- keep calling her on 18 the way home. And then I start getting worried, and 19 I just kept driving. I got home, and when I got 20 home, I found there's nobody home. 21 And then it was about the time -- and 22 then I -- and it was about the time the kids was 23 going to be home from school. And I went to the 24 school where the bus stopped, drop off the kids. I 25 didn't see my kids get off the bus. So I started</p>	<p>1 that house in that night. And I was tired, and then 2 we went to bed. 3 The next morning we got up again, and 4 then the -- the kids was still sleeping. And we 5 argue again about the same thing. I told -- but 6 then she finally admit that she took the kids 7 early -- removed the kids early from school, and she 8 had her friend hiding the kids from me. And at that 9 point, I realized that her friend lied to me about 10 it too when I came to their house yesterday -- the 11 day before looking for my kids. They said they 12 didn't know where my kids were, but they -- my kids 13 were in the house. 14 So I just got upset about the whole 15 situation with my wife. I mean, she lie. My friend 16 lied to me, and I just got mad, and I got out -- I 17 got -- 18 Q. What did you do? 19 A. -- out of control, and I hit her. 20 Q. How did you hit her? 21 A. I threw the chair, and it broke down. And 22 it didn't stop my anger there, and I hit her. And 23 she hit me back, and we -- we had a fight in the 24 house. 25 Q. Did you use the chair leg to hit your wife</p>
Page 151	Page 153
<p>1 worrying. I said, okay. You're not home. The kids 2 not home. I'm home. Nobody home. You -- so I 3 started worrying. And then I went to the school. 4 The school say the mommy already picked up the kids 5 at noon in the morning. 6 And that surprised me. And I said, okay. 7 Doesn't make sense. And I keep calling her to find 8 out where she's at, where the kids are, why she's 9 not home. Finally, she answer the phone. She say 10 she's with her friends. She said she's with her 11 friend. And she hang up the phone. 12 So I continued calling her, but there's 13 no answer. So I start worrying about the kids. I 14 went to her friend's house where she usually kept 15 the kids, and I asked her friend where the kids are, 16 because that's where she -- the kids usually come 17 after school, go to the friend's house like a 18 babysitter. Her friend said, no, they don't know 19 anything about the kids. They're not here. 20 So I went back home and stay home and try 21 to keep in contact with my wife for the rest of the 22 day, until late that day, at night, she came back 23 home with the kids. That surprised me again. So -- 24 and I start getting mad at her at night -- that 25 night, and we had an argument, fighting again in</p>	<p>1 at the time? 2 A. I remember I grabbed the chair's leg, and 3 I hit her with the chair's leg. 4 Q. Where did you hit her? 5 A. On her body. 6 Q. Did you hit her repeatedly? 7 A. I don't remember, ma'am. 8 Q. Did you leave bruises? 9 A. Yes, she has bruises on her body. 10 Q. Were the police called? 11 A. I don't remember who called the police. 12 MS. MOORE: Objection; nonresponsive. 13 Q. (BY MS. MOORE) Were the police called? 14 A. Yes. 15 Q. And you say she hit you, but you're the 16 one that was holding a chair leg, correct? 17 A. Yes. 18 Q. Did she use any instruments to try to hit 19 you? 20 A. No, she didn't. 21 Q. Where was this incident taking place? 22 A. At the house, inside the house. 23 Q. Where inside the house? 24 A. In the bedroom. 25 Q. Did -- were the kids there at home?</p>

39 (Pages 150 to 153)

Videotaped Deposition of Itani Milleni

Page 154	Page 156
<p>1 A. I remember the kids were sleeping.</p> <p>2 Q. Did you choke your wife during this event?</p> <p>3 A. I remember I put my hands on her neck and</p> <p>4 shake her and I say don't do this to me. It's not</p> <p>5 good.</p> <p>6 Q. Did you raise your voice with her?</p> <p>7 A. Yes, I raised my voice.</p> <p>8 Q. During this incident?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. Did she tell you why she had tried</p> <p>11 to hide the kids from you?</p> <p>12 A. I don't remember if I asked her that</p> <p>13 question. All I know is that it doesn't matter what</p> <p>14 the reason was. I just told her don't do that.</p> <p>15 It's not good.</p> <p>16 Q. How many times did you hit her that -- in</p> <p>17 that incident?</p> <p>18 A. I don't remember.</p> <p>19 Q. Was it multiple times?</p> <p>20 A. Yes.</p> <p>21 Q. Did she go to the hospital?</p> <p>22 A. No, ma'am.</p> <p>23 Q. So this is the only incident that you have</p> <p>24 listed here in those interrogatory answers. Are</p> <p>25 there any other times -- well, we already know,</p>	<p>1 you would not have remembered hitting your wife?</p> <p>2 A. I don't -- I don't think there's any other</p> <p>3 time, no.</p> <p>4 Q. Okay. So two times. That's your</p> <p>5 testimony under oath? You hit her two times?</p> <p>6 A. Two times, yes.</p> <p>7 Q. Okay. Twelve years ago with the chair and</p> <p>8 then shortly before she died?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Will you go back to Exhibit 2,</p> <p>11 please. Okay. Will you turn to Page TRAN 0434?</p> <p>12 A. TRAN 0464?</p> <p>13 MR. BROWN: 434.</p> <p>14 Q. (BY MS. MOORE) 0434. It's Page, I</p> <p>15 believe, 5.</p> <p>16 A. Okay.</p> <p>17 Q. Under Subparagraph C where it talks about</p> <p>18 the parent's response to Children's Protective</p> <p>19 Service's involvement --</p> <p>20 A. Right.</p> <p>21 Q. -- do you see the paragraph beginning</p> <p>22 "Mr. Vu acknowledged that in the past he broke a</p> <p>23 chair and hit his wife with the leg of the chair and</p> <p>24 also held the chair leg against her throat"?</p> <p>25 Do you see where it says that?</p>
Page 155	Page 157
<p>1 correct, don't we, that -- that there is another</p> <p>2 time you hit your wife? It was shortly before she</p> <p>3 was murdered. You hit her in the shop, correct?</p> <p>4 A. Yes, I did.</p> <p>5 Q. Okay. But that's not listed here,</p> <p>6 correct?</p> <p>7 A. I'm sorry?</p> <p>8 Q. That's not listed in your answer, is it?</p> <p>9 A. I don't remember if it's listed.</p> <p>10 Q. Is it -- is it there? Are the words</p> <p>11 there?</p> <p>12 A. Right here (indicating)?</p> <p>13 Q. Yes.</p> <p>14 A. No, it's not there.</p> <p>15 Q. Okay. So other than this incident with</p> <p>16 your wife at Hidden Shadow and the one right before</p> <p>17 she was murdered, are there any other times that you</p> <p>18 recall hitting your wife?</p> <p>19 A. No.</p> <p>20 Q. So it's only these two times?</p> <p>21 A. Yes, ma'am, that I remember about.</p> <p>22 Q. You said the two times that you remember.</p> <p>23 Would you remember hitting your wife?</p> <p>24 A. In -- in these two incidents, yes, I did.</p> <p>25 Q. Do you think there are other times where</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. You've told us about breaking the</p> <p>3 chair and hitting your wife with the chair.</p> <p>4 A. Yes.</p> <p>5 Q. Did you also hold a chair leg up against</p> <p>6 her throat during that incident?</p> <p>7 A. I don't remember that.</p> <p>8 Q. You could have? You might not have? You</p> <p>9 just don't remember?</p> <p>10 A. I don't remember I hit her neck with the</p> <p>11 chair, no. I don't -- I don't remember I did that.</p> <p>12 Q. You told the interviewer that your wife</p> <p>13 had bruises as a result of this beating. Is that --</p> <p>14 and that's true, correct?</p> <p>15 A. Has bruises, yes.</p> <p>16 Q. Where were her bruises?</p> <p>17 A. On her body and on her rear end.</p> <p>18 Q. Okay. And it says you also acknowledge</p> <p>19 that following this event, you continued to hit your</p> <p>20 wife with your fist when they argued. Is that true</p> <p>21 or false?</p> <p>22 A. In this incident, I hit her with my fist.</p> <p>23 Q. It says -- you said after this event. So</p> <p>24 we talked about this one event, right, and you said</p> <p>25 12 years ago? That you told this interviewer that</p>

40 (Pages 154 to 157)

Videotaped Deposition of Itani Milleni

Page 158	Page 160
<p>1 after that event, you continued to hit your wife 2 with your fist when you argued. Is that true or 3 false? 4 A. False. 5 Q. That's false? 6 A. Yes. 7 Q. So you did not say that in this interview? 8 A. No. 9 Q. And your testimony under oath is that you 10 never hit your wife with your fists after this 11 2000 -- or the incident that happened 12 years ago 12 and the incident in her shop a few weeks before 13 she's killed? Other than that, you've never hit her 14 with your fists? 15 A. No. 16 Q. Now, you also said that you had -- and 17 it's, quote, had actually stopped hitting your wife 18 before DFPS became involved. Do you understand what 19 DFPS stands for? 20 A. Yes, Child Protective Services. 21 Q. Okay. So you're telling -- do you 22 remember saying to this interviewer that you had 23 stopped hitting your wife before CPS became 24 involved? 25 A. Stopped, no, I don't remember I say that.</p>	<p>1 MR. BROWN: Calls for speculation. 2 A. My -- my wife not scared of me. 3 Q. (BY MS. MOORE) Did she ever -- she never 4 said she was scared of you? 5 A. No. 6 Q. Okay. The next paragraph, do you see it 7 talks about that you had explained for some time 8 before DFPS became involved, that you and your wife 9 had been negotiating with a couple who live in 10 Vietnam and want to come the U.S. and become 11 citizens, and then it goes on to talk about a plan 12 in which you're going to divorce each other and get 13 paid \$50,000 each to sponsor or marry these 14 individuals from Vietnam? 15 Is that a true or false statement? 16 A. That's true. 17 Q. Okay. 18 A. Yes, ma'am. 19 Q. So tell me, was that part of the plan, to 20 lie to CPS? 21 A. Yes, ma'am, that was. 22 Q. Was Anna and Cindy aware of this plan 23 about having you and Tuyet divorcing and marrying 24 other people? 25 MR. BROWN: Objection; calls for</p>
Page 159	Page 161
<p>1 Q. Okay. Because you acknowledge and you've 2 testified today that you did hit your wife after 3 DPS -- DFPS became involved, correct? 4 A. Yes, at the shop. I did at the shop. 5 Q. That last sentence in that paragraph said 6 that you -- you told CPS in this interview that you 7 had not argued with your wife and, in fact, the 8 night before, you guys had spent -- you and your 9 wife had spent time together and were sexually 10 intimate. Do you see where it says that? 11 A. That we had sex the day before? 12 Q. Did you have sex with your wife the day 13 before she was murdered? 14 A. She was murdered -- yes, I remember that. 15 We did. 16 Q. Wasn't she staying with Cindy at the time? 17 A. Yes, she was staying at Cindy's house at 18 that time. 19 Q. So did you have sex at Cindy's house? 20 A. No, at my house. 21 Q. Is it your testimony that your wife was 22 not scared of you during this time shortly before 23 her death? 24 MR. BROWN: Objection. 25 A. No.</p>	<p>1 speculation. 2 A. I believe that my wife told them the 3 plan -- 4 Q. (BY MS. MOORE) Did you ever -- 5 A. -- and they're aware of that, yes. 6 Q. Did you ever tell them? 7 A. No. I stay out of their discussions. 8 Q. Tell me more about this plan with this 9 other couple. Who is this other couple? 10 MR. BROWN: Objection; relevance. 11 Q. (BY MS. MOORE) You can answer. 12 A. I just remember his name Hao, H-a-o. And 13 my wife met him, and they made a deal, and my wife 14 got involved with him in -- here in Houston. And he 15 took him to the -- apply for a driver license. And 16 so she started getting him IDs and -- and start 17 making plan. 18 Q. So is it your testimony that it was your 19 wife's plan to get divorced and marry these other 20 couples from Vietnam? 21 A. Yes, ma'am. 22 Q. All right. So you said the man's name was 23 Hao, H-a-o. Do you know what his last name is? 24 A. I don't remember his last name. 25 Q. How about the woman in Vietnam that you</p>

41 (Pages 158 to 161)

Videotaped Deposition of Itani Milleni

Page 162	Page 164
<p>1 were supposed to marry?</p> <p>2 A. I never -- I don't know her. I'm sorry.</p> <p>3 Go ahead.</p> <p>4 Q. The woman in Vietnam that you were</p> <p>5 supposed to marry --</p> <p>6 A. Right.</p> <p>7 Q. -- what was her name?</p> <p>8 A. I don't know. It is an arrangement. I</p> <p>9 don't know.</p> <p>10 Q. What were you and Tuyet going to do about</p> <p>11 the children if you went through this plan? If you</p> <p>12 were going to get divorced and marry some other</p> <p>13 people, where were the children going to live?</p> <p>14 A. With my wife.</p> <p>15 Q. Is it your testimony that Tuyet came up</p> <p>16 with this plan before CPS got involved?</p> <p>17 A. After the CPS got involved.</p> <p>18 Q. And how did you feel about, you know,</p> <p>19 getting divorced and marrying a stranger for money?</p> <p>20 A. At that time, I went along with the plan.</p> <p>21 MS. MOORE: Objection; nonresponsive.</p> <p>22 Q. (BY MS. MOORE) How did you feel about the</p> <p>23 prospect of marrying a stranger for money?</p> <p>24 MR. BROWN: Objection; relevance.</p> <p>25 Q. (BY MS. MOORE) You can answer.</p>	<p>1 Q. Tell me about her education.</p> <p>2 A. She has a high school education in</p> <p>3 Vietnam.</p> <p>4 Q. So she went -- in Vietnam is high</p> <p>5 school -- is it all the way through 12 grades?</p> <p>6 A. Yes, I believe so. I'm not sure.</p> <p>7 Q. Did she have any post-high-school</p> <p>8 education?</p> <p>9 A. No.</p> <p>10 Q. Do you think your wife was intelligent?</p> <p>11 A. Yes, she's intelligent.</p> <p>12 Q. Do you think she had good business sense?</p> <p>13 A. Yes.</p> <p>14 Q. You said your -- you and your wife would</p> <p>15 argue a lot. What -- were there things that</p> <p>16 typically would -- that -- that you guys argued</p> <p>17 about more than others?</p> <p>18 A. Not a lot. Just things come up in the</p> <p>19 house, like about work, about business, not -- we</p> <p>20 have disagreement about how to spend money. Not a</p> <p>21 lot.</p> <p>22 Q. Did you ever get mad about things that she</p> <p>23 cooked?</p> <p>24 A. I remember one time she didn't -- she --</p> <p>25 she prepared dinner and -- and I got upset over</p>
Page 163	Page 165
<p>1 A. How do I feel about it?</p> <p>2 Q. Were you excited about the prospect?</p> <p>3 A. No, I wasn't excited.</p> <p>4 Q. Were you sad about this plan?</p> <p>5 A. I thought about it, but I didn't think</p> <p>6 about it that much.</p> <p>7 Q. You didn't think about getting divorced,</p> <p>8 marrying a couple from Vietnam, to lie to CPS,</p> <p>9 that -- you just didn't think about that very much?</p> <p>10 A. I mean, it's not in my mind. I just went</p> <p>11 along with the plan.</p> <p>12 Q. Do you think it was right?</p> <p>13 A. No, ma'am, it's not right.</p> <p>14 Q. Did you tell your wife that it wasn't</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. What did she say?</p> <p>18 A. She wanted to do it.</p> <p>19 Q. Did you typically -- strike that.</p> <p>20 Mr. Milleni, did your wife speak</p> <p>21 English --</p> <p>22 A. Yes.</p> <p>23 Q. -- very well?</p> <p>24 A. Not very well. She speaks good enough</p> <p>25 English.</p>	<p>1 that.</p> <p>2 Q. What happened?</p> <p>3 A. She -- we had some leftover food, and she</p> <p>4 used leftover food for us and the kids. And I told</p> <p>5 her we can do better than that. And she served us</p> <p>6 old food. And she argue, you know, that's the best</p> <p>7 we can do.</p> <p>8 Q. Did you yell at -- did you yell at her?</p> <p>9 A. Yeah, I raised my voice at her.</p> <p>10 Q. Did you hit her?</p> <p>11 A. No.</p> <p>12 Q. You didn't hit her --</p> <p>13 A. No.</p> <p>14 Q. -- during this incident?</p> <p>15 A. No, ma'am. We just argued. That's all.</p> <p>16 Q. Were the children -- were D [REDACTED] and</p> <p>17 P [REDACTED] in the room when you had this argument?</p> <p>18 A. I remember it was in the kitchen, yes, and</p> <p>19 we were at the dinner table.</p> <p>20 Q. Do you recall when this incident happened?</p> <p>21 A. I don't remember when. At -- okay, at --</p> <p>22 when we were at Sand -- Sandstone house. It</p> <p>23 happened at Sandstone house, I remember.</p> <p>24 Q. Is there a reason why that incident sticks</p> <p>25 out in your head?</p>

42 (Pages 162 to 165)

Videotaped Deposition of Itani Milleni

Page 166	Page 168
<p>1 A. Yes.</p> <p>2 Q. Why?</p> <p>3 A. Because when I'm thinking back now, it's</p> <p>4 -- I expect too much from her, and that was my</p> <p>5 fault. I should have worked with her, not arguing</p> <p>6 with her. That's why it stayed in my memory.</p> <p>7 Q. Because you argued all the time; isn't</p> <p>8 that right?</p> <p>9 A. No.</p> <p>10 Q. You don't -- you -- you deny that you</p> <p>11 argued all the time?</p> <p>12 A. Not all the time.</p> <p>13 Q. Okay. Will you go to...</p> <p>14 (Off-the-record discussion.)</p> <p>15 (Exhibit No. 8 was marked.)</p> <p>16 A. I'm sorry. What page?</p> <p>17 Q. (BY MS. MOORE) I'm going to get it for</p> <p>18 you. One second.</p> <p>19 Mr. Milleni, I'm going to hand you</p> <p>20 what I've marked as Deposition Exhibit 8. Do you</p> <p>21 recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. What is this document?</p> <p>24 A. I wrote my kids. I remember.</p> <p>25 Q. And did you -- so this is -- you wrote</p>	<p>1 A. Yes.</p> <p>2 Q. Is that true?</p> <p>3 A. Yes.</p> <p>4 Q. Mr. Milleni, did you respect your wife?</p> <p>5 A. I'm sorry?</p> <p>6 Q. Did you respect your wife?</p> <p>7 A. I do now.</p> <p>8 Q. Did you not respect your wife before she</p> <p>9 died?</p> <p>10 A. I didn't pay attention to that when she</p> <p>11 was alive.</p> <p>12 Q. So is your answer you did not respect your</p> <p>13 wife when she was alive?</p> <p>14 A. Yeah, I respect her but -- but -- I</p> <p>15 respect her when she was alive, but I didn't do it.</p> <p>16 Deep down in my heart, I do -- I do, but I didn't do</p> <p>17 it. I didn't show her.</p> <p>18 Q. Okay.</p> <p>19 A. That's my point. I didn't show her --</p> <p>20 show it to her.</p> <p>21 Q. Okay. The -- another sentence you wrote</p> <p>22 in this letter in the first paragraph is, While I</p> <p>23 was trying to" -- you talk about teaching your</p> <p>24 wife --</p> <p>25 A. Yeah.</p>
Page 167	Page 169
<p>1 this?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And did you -- was it on or around</p> <p>4 July 6, 2015?</p> <p>5 A. I don't remember the date, but I remember</p> <p>6 the picture. I took that when she -- she -- when</p> <p>7 she was killed. (Crying.) Sorry. I remember the</p> <p>8 kids. That's all I've got left. And I took that</p> <p>9 picture.</p> <p>10 Q. Do you -- do you need to take a break?</p> <p>11 A. I'm sorry. I'm okay. But, yeah, I</p> <p>12 remember. I wrote this document.</p> <p>13 Q. Okay. Mr. Milleni, you just testified</p> <p>14 that you did not argue with your wife all the time,</p> <p>15 correct?</p> <p>16 A. Right.</p> <p>17 Q. All right. Will you look at the third</p> <p>18 sentence of this -- I'm sorry, fifth sentence in the</p> <p>19 first paragraph. Actually, we'll -- we'll back up.</p> <p>20 In Exhibit 8 it says, "Please do not</p> <p>21 feel bad about what happened. You know all along it</p> <p>22 was daddy's fault. I was mean and yelling at your</p> <p>23 mommy all the times."</p> <p>24 A. Yes.</p> <p>25 Q. Did you write that?</p>	<p>1 Q. -- something. What -- what are you</p> <p>2 referencing there? What are you trying to teach</p> <p>3 her?</p> <p>4 A. Where is that?</p> <p>5 Q. "I was mean and yelling at your mommy all</p> <p>6 the times."</p> <p>7 A. Right.</p> <p>8 Q. "You don't like it, and you know I was" --</p> <p>9 "and you know...I was doing that right? While I was</p> <p>10 trying to teach you and your mommy."</p> <p>11 What were you trying to teach her by</p> <p>12 yelling and being mean all the time?</p> <p>13 A. Like do things right and the business and</p> <p>14 the food and --</p> <p>15 Q. By yelling?</p> <p>16 A. When I got upset, I yell, yes.</p> <p>17 Q. By arguing?</p> <p>18 A. Argue, yes.</p> <p>19 Q. And by hitting, correct?</p> <p>20 A. Yes.</p> <p>21 MS. MOORE: I think I can take a</p> <p>22 break.</p> <p>23 THE VIDEOGRAPHER: Going off the</p> <p>24 record. The time is 2:01 p.m.</p> <p>25 (Break from 2:01 p.m. to 2:17 p.m.)</p>

43 (Pages 166 to 169)

Videotaped Deposition of Itani Milleni

Page 170

1 THE VIDEOGRAPHER: We're back on the
 2 record, beginning Tape No. 4. The time is now 2:17
 3 p.m.
 4 Q. (BY MS. MOORE) Mr. Milleni, I'm going to
 5 hand you what I've marked as Deposition Exhibit 9.
 6 A. Yes, ma'am.
 7 Q. Okay.
 8 A. Can I add something that you previously
 9 asked.
 10 Q. Sure. What?
 11 A. First, I want to thank you for showing
 12 this document. I remember. It bring back my fond
 13 memory with my kids, and I miss them. And I took
 14 that picture after the -- when CPS removed D [REDACTED]
 15 from his study table right there. And there's
 16 nobody there. So I took that picture.
 17 And, secondly, when you were asking me
 18 about the house on Sandstone, how many people lived
 19 there, I forgot to tell you that the niece -- my --
 20 my wife's niece was there -- living there the whole
 21 time when she came to the United States as a foreign
 22 student.
 23 My wife had asked me to sponsor the niece
 24 so she can come to the United States to study, and
 25 that's what I did. And she stayed there with us at

Page 171

1 that house, the niece.
 2 And after this -- the incident, after my
 3 wife's death, she moved out.
 4 Q. Were there any other tenants --
 5 A. No.
 6 Q. -- that lived at --
 7 A. Just the niece.
 8 Q. Just the niece. And Robbins Mitchell,
 9 correct?
 10 A. Yes, ma'am.
 11 Q. That's still your testimony?
 12 A. Yes.
 13 Q. Okay. Will you please look at what I have
 14 marked as Exhibit No. 9.
 15 (Exhibit No. 9 was marked.)
 16 Q. (BY MS. MOORE) Have you ever seen this
 17 document before?
 18 A. This document?
 19 Q. Um-hmm.
 20 A. No.
 21 Q. Okay. I'll represent to you that it's an
 22 investigation report from the CPS files we received
 23 in the case concerning your children.
 24 I'd like you to turn to the page that
 25 is marked TRAN 150. Okay. Are you with me?

Page 172

1 A. Yes, ma'am.
 2 Q. Okay.
 3 A. 150.
 4 Q. 150. All right.
 5 So about two-thirds of the way down,
 6 there's a -- a long paragraph talking about an
 7 interview with D [REDACTED] T [REDACTED], your son, correct --
 8 A. Yes.
 9 Q. -- on June 24th, 2015?
 10 Do you recall -- is that the day -- is
 11 June 24th, 2015, the day that the children were
 12 removed from the home?
 13 A. I don't remember.
 14 Q. You don't remember. Okay.
 15 So D [REDACTED] provided some statements to
 16 CPS in response to some questions. And if you'll
 17 look, he -- in the middle it says that if he does
 18 not complete his homework, you will hit him.
 19 Did you ever hit D [REDACTED] if he didn't
 20 finish his homework?
 21 MR. BROWN: Objection; relevance.
 22 Q. (BY MS. MOORE) You can answer.
 23 A. No.
 24 Q. So D [REDACTED] is not being truthful in his
 25 statements here?

Page 173

1 A. I will tell him to do homework, but I
 2 don't hit him for not doing homework.
 3 Q. Did you have a -- I'm trying to think of
 4 the best way -- did you have like a program for your
 5 children when they came home from school that you
 6 had them do extracurricular activities?
 7 A. Yes, ma'am.
 8 Q. Can you describe what those
 9 extracurricular activities were?
 10 A. They would log online, go in and practice
 11 math, English, science, things like that, online at
 12 home that the school did not -- did not have.
 13 Q. And so extra educational --
 14 A. Yes.
 15 Q. -- courses, correct?
 16 A. Right.
 17 Q. Did you have them do any other things at
 18 home on extracurricular activities?
 19 A. Yes. Shootings, practice shooting, Boy
 20 Scout, Girl Scout. They go to their club's meeting
 21 every week. They go to church. They go to
 22 different churches, like the Muslim churches, the
 23 Christian churches, things like that.
 24 Q. You mentioned shooting. Did you have them
 25 practice daily shooting BB guns?

44 (Pages 170 to 173)

Videotaped Deposition of Itani Milleni

Page 174	Page 176
<p>1 A. Yes, in the back yard.</p> <p>2 Q. Why -- why did you have them practice</p> <p>3 that?</p> <p>4 A. Because when I watch the -- the Olympic</p> <p>5 games, I see how they -- they -- they -- they --</p> <p>6 they win metals for shooting, so I thought that I --</p> <p>7 it's a good skill for my wife -- my kids to learn to</p> <p>8 practice shooting so they can control themselves,</p> <p>9 control the target, hit the target, and maybe they</p> <p>10 can join the Olympic team. So I start getting --</p> <p>11 teaching them these skills so, hopefully, that they</p> <p>12 can join the Olympic team when they grow up. That's</p> <p>13 all.</p> <p>14 Q. Okay. D [REDACTED] went on to state that --</p> <p>15 that his father will hit his mother if she does not</p> <p>16 do something he tells her to do. Is that a true</p> <p>17 statement, sir?</p> <p>18 A. No, ma'am. It's not true.</p> <p>19 Q. So you never hit your wife when she didn't</p> <p>20 do something you told her to do?</p> <p>21 A. No.</p> <p>22 Q. D [REDACTED] also said that most of the time</p> <p>23 you only hit your wife if she interrupted you while</p> <p>24 you were -- while you were talking or she doesn't</p> <p>25 address a customer at their store of business. Is</p>	<p>1 do it again. I guess you call it choking.</p> <p>2 Q. So you have choked your wife?</p> <p>3 A. If you say so.</p> <p>4 Q. Well, you've put your hands on her --</p> <p>5 A. Yes.</p> <p>6 Q. -- and shook her, right?</p> <p>7 A. And I told her not to do it again.</p> <p>8 Q. Okay. But this is all -- but your</p> <p>9 testimony is still just this one incident that you</p> <p>10 said happened 12 years ago?</p> <p>11 A. Yes.</p> <p>12 Q. And you never choked your wife again after</p> <p>13 that?</p> <p>14 A. No, never.</p> <p>15 Q. And never put your hands on her again like</p> <p>16 in -- in anger?</p> <p>17 A. In anger, no.</p> <p>18 Q. Did you ever beat your wife with a belt?</p> <p>19 A. Never.</p> <p>20 Q. Never?</p> <p>21 A. Never.</p> <p>22 Q. Never?</p> <p>23 A. (Shook head.)</p> <p>24 Q. Okay. He went on to state that he had</p> <p>25 seen you hit her head -- your wife's head against</p>
Page 175	Page 177
<p>1 that true?</p> <p>2 A. No.</p> <p>3 Q. So you never hit your wife when she</p> <p>4 interrupted you, correct?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Never?</p> <p>7 A. Never.</p> <p>8 Q. And you never hit her, you know, when a</p> <p>9 customer would come into the store?</p> <p>10 A. No.</p> <p>11 Q. See where it says "D [REDACTED] stated his</p> <p>12 father has choked his mother before"? Did you choke</p> <p>13 your wife?</p> <p>14 A. At the incident 13 years ago, the -- when</p> <p>15 my wife -- when I came home, had a meeting with her,</p> <p>16 I told you, yes, at that incident.</p> <p>17 Q. So that was the time that you choked her?</p> <p>18 A. Yes. I didn't choke her now, but yes. I</p> <p>19 was fighting with her, and I beat her with the chair</p> <p>20 and my hands, and she got bruise on her body, but I</p> <p>21 didn't choke her.</p> <p>22 Q. All right. So is it your testimony that</p> <p>23 you've never choked your -- your wife?</p> <p>24 A. I have shook her, put my hands on her --</p> <p>25 close to her neck and shook her and told her not to</p>	<p>1 the wall before. Are you saying that never happened</p> <p>2 either?</p> <p>3 A. I don't remember that.</p> <p>4 Q. Do you think you would remember hitting</p> <p>5 your wife's head against the wall?</p> <p>6 A. No, I don't remember that.</p> <p>7 Q. So you could have, you might not have, you</p> <p>8 just don't know? You don't remember?</p> <p>9 A. I remember I hit her, what you call</p> <p>10 choking, yes, but not hit her head on the wall, no.</p> <p>11 Q. So if D [REDACTED] is stating this, he is not</p> <p>12 being truthful?</p> <p>13 A. He might have seen we fighting, and then</p> <p>14 he say hit her head on the wall.</p> <p>15 Q. Because that happened, right?</p> <p>16 A. But I didn't do that. I remember I hit</p> <p>17 her body.</p> <p>18 Q. Do you see where D [REDACTED] told CPS that his</p> <p>19 greatest fear is that his father is going to kill</p> <p>20 his mother? Do you see where it says that?</p> <p>21 A. Yes.</p> <p>22 Q. And this interview took place before your</p> <p>23 wife was killed, correct? If it -- if it happened</p> <p>24 on June 24th, 2015, it happened before your wife was</p> <p>25 killed, correct?</p>

45 (Pages 174 to 177)

Videotaped Deposition of Itani Milleni

Page 178

1 A. I don't know.
 2 Q. Well, June 24th, 2015 is before July 20th,
 3 2015, correct?
 4 A. This interview --
 5 Q. If this --
 6 A. I don't know this interview. I'm not
 7 aware of that.
 8 Q. But if -- is June 24th, 2015 before July
 9 20th, 2015?
 10 A. Yes. Correct.
 11 Q. So before your wife was murdered, D [REDACTED]
 12 said that his greatest fear is that you were going
 13 to kill her. Do you see where he said that?
 14 A. Yes.
 15 Q. Now, CPS became involved, correct, because
 16 there had been an incident at D [REDACTED]'s school; is
 17 that right?
 18 A. Yes, ma'am.
 19 Q. And D [REDACTED] had been -- had choked another
 20 student, correct?
 21 A. Correct.
 22 Q. And he made an outcry and said that he
 23 had -- he had seen you do that before and that that
 24 was the reason why he had done it. Is that true?
 25 A. I don't know.

Page 180

1 because he saw his father choking his mother? Do
 2 you see where it says that?
 3 A. Yes.
 4 Q. How old was D [REDACTED] 12 years ago?
 5 A. A kid, a kid, a little kid.
 6 Q. A little kid? Do you think he was about
 7 two years old?
 8 A. I don't remember.
 9 Q. Do you think a two-year-old child -- --
 10 well, strike that.
 11 The -- D [REDACTED] also said in this
 12 interview that your -- that his father, you, had
 13 been hitting his mother for a long time. Do you see
 14 where it says that?
 15 A. Yes.
 16 Q. Is that a true statement?
 17 A. What do you mean for a long time?
 18 Q. Well, what do you think a long time means?
 19 A. That it happened before about 13 years --
 20 12, 13 years ago, yes.
 21 Q. You think that D [REDACTED] is referring to the
 22 one incident 12 years ago when he was probably about
 23 two years old?
 24 A. I don't know.
 25 Q. How many times were the police called out

Page 179

1 Q. Don't know? Could be, could not be? You
 2 just don't know?
 3 A. I don't know.
 4 Q. Okay. You said the only time that you put
 5 your hands on your wife's neck and shook her was
 6 that incident that happened 12 years ago, and I
 7 believe you said that the children were asleep. Did
 8 the incident happen when the children were asleep?
 9 A. I remember they were asleep. There
 10 were -- there were only two of us in the room.
 11 Q. Okay. So the children were not in the
 12 room when that incident was occurring?
 13 A. No.
 14 Q. So D [REDACTED] didn't you see put your hands
 15 on your wife's neck and shake her? He didn't see
 16 you do that?
 17 A. I didn't check on their room. I don't
 18 know what they did in their room, but I believe they
 19 were sleeping.
 20 Q. Okay.
 21 A. They might have got up, went out, watched,
 22 went back to the room. I don't know, but they were
 23 not in the room with us.
 24 Q. Do you see where it says in that second
 25 paragraph that D [REDACTED] admitted he choked the child

Page 181

1 to your home at -- at 9226 Sandstone?
 2 A. I remember one time.
 3 Q. What is the one time that you remember?
 4 A. When I choked my wife.
 5 Q. So you say you were at -- you were at
 6 9226 Sandstone?
 7 A. No. I'm sorry. That's Hidden Shadow
 8 Lane.
 9 You're talking about Sandstone?
 10 Q. Yes. At Sandstone how many times were the
 11 police called out because of altercations between
 12 you and your wife?
 13 A. I don't remember. Maybe one time. No.
 14 The police never called out there.
 15 Q. So your testimony is that the police were
 16 never called out to your home --
 17 A. Maybe one time I remember when he stayed
 18 there.
 19 Q. Do you recall what caused that or what --
 20 what happened?
 21 A. I -- I think that's when she fell down
 22 stair.
 23 Q. Are you -- is "she" your wife Tuyet?
 24 A. Tuyet, yes. She fell down stair at
 25 Sandstone, yes. She fell down stair there.

46 (Pages 178 to 181)

Videotaped Deposition of Itani Milleni

Page 182	Page 184
<p>1 Q. Did you push her?</p> <p>2 A. No.</p> <p>3 Q. Why was the police called?</p> <p>4 A. Because we were arguing, and she ran down</p> <p>5 stair, and she slipped. She had socks on. And it's</p> <p>6 wood -- it had wood floor, wood stair, and she</p> <p>7 slipped and she fell down the stair.</p> <p>8 Q. Who called the police?</p> <p>9 A. I don't know.</p> <p>10 Q. Is that the only incident that you can</p> <p>11 recall of the police coming out to 9226 Sandstone?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. Do you recall the police being</p> <p>14 called out to your home at 9226 Sandstone after CPS</p> <p>15 removed the children?</p> <p>16 A. The police was there when CPS removed the</p> <p>17 children.</p> <p>18 Q. How about the day after?</p> <p>19 A. I don't --</p> <p>20 Q. Were the police called back out?</p> <p>21 A. No. I think you're referring to the --</p> <p>22 when she fell down stairs and the police came out.</p> <p>23 I think that happened after the CPS removed the kids</p> <p>24 or before. I don't -- I don't remember if it</p> <p>25 happened before or after.</p>	<p>1 your wife were fighting, and it got out of hand, so</p> <p>2 she called.</p> <p>3 She stated that she called because they</p> <p>4 were throwing things. She stated that -- and then</p> <p>5 also today when the cops came. Do you remember the</p> <p>6 incident that she's referring to?</p> <p>7 A. No, I don't remember. I'm not aware she</p> <p>8 called the cops at any times.</p> <p>9 Q. Okay. Do you see where F also told</p> <p>10 CPS that -- that you are aggressive and stated that</p> <p>11 both you and your wife have fought using hands and</p> <p>12 words and that you had hit your wife on the head and</p> <p>13 also pushed her against the wall? Do you see where</p> <p>14 it says that?</p> <p>15 A. Yes.</p> <p>16 Q. Is that true -- is that a true statement?</p> <p>17 A. I don't remember that I hit her head and</p> <p>18 pushed her against -- her head on the wall, no.</p> <p>19 Q. So it could be true. It could not be</p> <p>20 true. You just don't remember?</p> <p>21 A. No.</p> <p>22 Q. Do you think that F was being</p> <p>23 untruthful here?</p> <p>24 A. I don't know.</p> <p>25 Q. If you go down a few -- a few more</p>
Page 183	Page 185
<p>1 Q. When did Tuyet move out of the house?</p> <p>2 A. When the CPS removed the kids. When the</p> <p>3 CPS removed the kids. I remember. I'm not sure</p> <p>4 exactly when but around that time.</p> <p>5 Q. Did you have any discussions with her</p> <p>6 about moving out at that time?</p> <p>7 A. Yes.</p> <p>8 Q. What did you discuss?</p> <p>9 A. That -- the plan that we had. We get</p> <p>10 divorced, and she stay with her friends.</p> <p>11 Q. So Tuyet didn't move out because she was</p> <p>12 mad at you. She moved out because she was -- it was</p> <p>13 part of the plan to make it look like you guys were</p> <p>14 separated. Is that what your testimony is?</p> <p>15 A. That's correct.</p> <p>16 Q. Under oath?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Do you recall F ever calling the cops</p> <p>19 to come out to the house?</p> <p>20 A. I don't remember. I don't recall that.</p> <p>21 Q. Will you turn to Page TRAN 151?</p> <p>22 This is also in the investigation report</p> <p>23 reflecting an interview on or around June 24th,</p> <p>24 2015, with F T. And she stated that the cops</p> <p>25 had been to the home twice, one time because you and</p>	<p>1 sentences, F also told CPS that you are</p> <p>2 aggressive towards your wife and that you usually</p> <p>3 get mad at her because, quote, she does stupid</p> <p>4 mistakes over and over again.</p> <p>5 Do you see where she said that?</p> <p>6 A. Yes.</p> <p>7 Q. Is that a true statement?</p> <p>8 A. No.</p> <p>9 Q. You didn't get mad at Tuyet because she</p> <p>10 did stupid things over and over again?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Did she ever do any stupid things?</p> <p>13 A. Looking back now, I say, no, she never do</p> <p>14 any stupid thing. She never done any stupid thing.</p> <p>15 Q. What would you have said then?</p> <p>16 A. I might have thought she done stupid thing</p> <p>17 and I got mad but...</p> <p>18 Q. Anything stand out?</p> <p>19 A. The food. I -- the food might make -- I</p> <p>20 might have called it a stupid thing about cooking</p> <p>21 the food.</p> <p>22 Q. Did you ever hit F in the head with a</p> <p>23 soda can?</p> <p>24 A. With a soda can?</p> <p>25 Q. Yes.</p>

47 (Pages 182 to 185)

Videotaped Deposition of Itani Milleni

Page 186	Page 188
<p>1 A. No.</p> <p>2 Q. That never happened?</p> <p>3 A. No.</p> <p>4 Q. Okay. Were the police ever called out to</p> <p>5 the prior residence, the Hidden -- Hidden Shadow?</p> <p>6 The house you owned with your wife, Hidden Shadow --</p> <p>7 A. Yes.</p> <p>8 Q. -- were the police ever called out when</p> <p>9 you lived there?</p> <p>10 A. Hidden Shadow Lane? Yes. That's when I</p> <p>11 choke her.</p> <p>12 Q. Any other --</p> <p>13 A. The police called out, yes. But any other</p> <p>14 incident, I don't remember. But that's the most I</p> <p>15 remember.</p> <p>16 (Off-the-record discussion.)</p> <p>17 (Exhibit No. 10 was marked.)</p> <p>18 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p> <p>19 hand you what I've marked as your Deposition Exhibit</p> <p>20 10.</p> <p>21 I'll represent to you this is additional</p> <p>22 documents we received from CPS as part of the</p> <p>23 investigation in your children's case.</p> <p>24 The first narrative at the top talks</p> <p>25 about the caseworker visiting D [REDACTED] at the home,</p>	<p>1 Q. Do you think -- do you think your children</p> <p>2 were afraid of you when you were arguing and -- and</p> <p>3 being aggressive with your wife?</p> <p>4 MR. BROWN: Objection; calls for</p> <p>5 speculation.</p> <p>6 A. (Pauses.)</p> <p>7 Q. (BY MS. MOORE) Did they ever express any</p> <p>8 fear to you in those situations?</p> <p>9 A. I think they might be afraid of me that I</p> <p>10 hit my wife. That's why he step in and...</p> <p>11 Q. D [REDACTED] went on to state that because his</p> <p>12 mom was from Vietnam, she did not have proper</p> <p>13 manners, and your way of correcting her was hitting</p> <p>14 her. Do you see where it says that?</p> <p>15 A. Yes.</p> <p>16 Q. Is that a true statement?</p> <p>17 A. No. False.</p> <p>18 Q. That's false?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. So D [REDACTED] is lying when he says that</p> <p>21 statement?</p> <p>22 A. He -- I think he might be -- he thinks so.</p> <p>23 Q. Okay.</p> <p>24 A. He thinks that's what it is, but I don't</p> <p>25 think so. That's how he feels.</p>
Page 187	Page 189
<p>1 which would have been a foster home at this time.</p> <p>2 Do you see where it says, "D [REDACTED] also admitted to</p> <p>3 witnessing his father slap his mother, and on one</p> <p>4 occasion he had to step in to prevent his</p> <p>5 mother [verbatim] from choking her"? Do you see</p> <p>6 where it says that?</p> <p>7 A. Yes.</p> <p>8 Q. Is that the same incident that you were</p> <p>9 referring to that happened 12 years ago?</p> <p>10 A. I remember one time he -- when we were</p> <p>11 arguing, he stepped in and say, "Don't hit mommy" or</p> <p>12 "don't hurt mommy." I remember that.</p> <p>13 Q. Do you remember where that was?</p> <p>14 A. I don't remember, no.</p> <p>15 Q. Do you remember how old he was?</p> <p>16 A. I don't remember how old he was at that</p> <p>17 point, no.</p> <p>18 Q. But you recall a time where he tried to</p> <p>19 step in between you --</p> <p>20 A. Yes.</p> <p>21 Q. -- and your wife --</p> <p>22 A. Yes.</p> <p>23 Q. -- to prevent you from hitting her,</p> <p>24 correct?</p> <p>25 A. Yes.</p>	<p>1 Q. Has -- actually -- but he never said that</p> <p>2 to you?</p> <p>3 A. No.</p> <p>4 Q. He never said stop hitting your -- your</p> <p>5 wife?</p> <p>6 A. Yes, he did.</p> <p>7 Q. He did say that?</p> <p>8 A. Yes.</p> <p>9 Q. When did he say that?</p> <p>10 MR. BROWN: Objection; asked and</p> <p>11 answered.</p> <p>12 MS. MOORE: I -- I beg to differ.</p> <p>13 Q. (BY MS. MOORE) When did he -- when did he</p> <p>14 say that?</p> <p>15 A. When we were arguing and he stepped in and</p> <p>16 he told me that.</p> <p>17 Q. And that happened -- that's the incident</p> <p>18 12 years ago?</p> <p>19 A. No, I don't think so.</p> <p>20 Q. Okay. Then was it the other incident that</p> <p>21 you referred to shortly before your wife's murder</p> <p>22 where you hit her in the shop? Is that where</p> <p>23 D [REDACTED] stepped in?</p> <p>24 A. No. D [REDACTED] was not there.</p> <p>25 Q. Okay. Then there was another incident</p>

48 (Pages 186 to 189)

Videotaped Deposition of Itani Milleni

Page 190	Page 192
<p>1 that you hit your wife that you're admitting to --</p> <p>2 A. I did not hit my wife.</p> <p>3 MR. BROWN: Objection;</p> <p>4 mischaracterizes his testimony.</p> <p>5 Q. (BY MS. MOORE) I -- I want to know</p> <p>6 when -- when D [REDACTED] stepped in to try to prevent</p> <p>7 you from hitting your wife.</p> <p>8 A. At Sandstone, maybe. At Sandstone house.</p> <p>9 Maybe that's what he's referring to.</p> <p>10 Q. Did it happen more than once? Did D [REDACTED]</p> <p>11 ever try to step between you and your wife again?</p> <p>12 A. No.</p> <p>13 Q. One time?</p> <p>14 A. No, no -- yeah -- I don't know.</p> <p>15 Q. So wait. You just said yes, no, and I</p> <p>16 don't know in response to that question. So I'm</p> <p>17 going ask it again. Okay?</p> <p>18 Did D [REDACTED] ever try to step between you</p> <p>19 and your wife when you were arguing?</p> <p>20 A. Yes, he did.</p> <p>21 Q. He did that more than one time?</p> <p>22 A. I remember only one time.</p> <p>23 Q. But there could have been more? You just</p> <p>24 don't remember?</p> <p>25 A. I just remember one time that he stepped</p>	<p>1 TRAN 1191? Actually, turn to the page before it</p> <p>2 first, TRAN 1190.</p> <p>3 Shayolonda Herron has made an affidavit</p> <p>4 in connection with your case -- with the children's</p> <p>5 case. And she describes a meeting she had with</p> <p>6 Tuyet Tran at the -- at her job on or around June</p> <p>7 4th, 2015. And if you turn to the next page,</p> <p>8 TRAN 1191, I want to ask you some questions about</p> <p>9 some of the things that your wife said to Shayolonda</p> <p>10 Herron in this interview.</p> <p>11 A. Okay.</p> <p>12 Q. Okay. Your wife stated that you were</p> <p>13 often angry. Is that a true statement? Were you</p> <p>14 often angry at home?</p> <p>15 A. When we were arguing, I get angry, yes.</p> <p>16 Q. Your wife also stated that you yell and</p> <p>17 argue with everyone in the home. Is that a true</p> <p>18 statement?</p> <p>19 A. False.</p> <p>20 Q. That's false?</p> <p>21 A. Yes.</p> <p>22 Q. Why is that statement false?</p> <p>23 A. Because I don't argue with everybody in</p> <p>24 the house.</p> <p>25 Q. That's because you just really argue with</p>
Page 191	Page 193
<p>1 in and say no.</p> <p>2 Q. Did he say, Daddy, stop?</p> <p>3 A. I remember he says like that, yeah.</p> <p>4 Q. No, Daddy, don't hit Mommy?</p> <p>5 A. Yes.</p> <p>6 (Off-the-record discussion.)</p> <p>7 (Exhibit No. 11 was marked.)</p> <p>8 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p> <p>9 hand you what I've marked as Deposition Exhibit 11.</p> <p>10 Do you recognize this document?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Have -- you've never seen it before?</p> <p>13 A. I remember police show me a document about</p> <p>14 the CPS case. It looks similar to this, but I</p> <p>15 don't...</p> <p>16 Q. Who is Shayolonda Herron?</p> <p>17 A. I'm sorry?</p> <p>18 Q. Who is Shayolonda Herron?</p> <p>19 A. It's the CPS worker.</p> <p>20 Q. She was the caseworker on the case?</p> <p>21 A. Yes.</p> <p>22 Q. Were you aware that Ms. Herron had spoken</p> <p>23 with your wife?</p> <p>24 A. No, I don't. No.</p> <p>25 Q. You weren't. Will you turn to Page</p>	<p>1 your wife?</p> <p>2 A. Argument with my wife, yes, not with</p> <p>3 everybody in the house.</p> <p>4 Q. She also told Ms. Herron -- your wife also</p> <p>5 told Ms. Herron that you are very controlling and</p> <p>6 always tries to control her.</p> <p>7 Do you agree with that statement?</p> <p>8 A. No.</p> <p>9 Q. You didn't think you were controlling over</p> <p>10 your wife?</p> <p>11 A. No.</p> <p>12 Q. Your wife also stated that if she does not</p> <p>13 do what you say, you will hit her. Is that a true</p> <p>14 statement or a false -- a --</p> <p>15 A. False.</p> <p>16 Q. It's false? Okay.</p> <p>17 She admitted that he's thrown a chair at</p> <p>18 her before, which that's the incident we've talked</p> <p>19 about ad nauseam today, correct?</p> <p>20 A. Yes.</p> <p>21 Q. The chair incident.</p> <p>22 A. Yes.</p> <p>23 Q. Yes?</p> <p>24 A. Yes.</p> <p>25 Q. So that is a true statement?</p>

49 (Pages 190 to 193)

Videotaped Deposition of Itani Milleni

Page 194	Page 196
<p>1 A. Yes, ma'am, true.</p> <p>2 Q. She also stated that she thought that you</p> <p>3 might have something wrong with your mind and that</p> <p>4 she always tells you that you need help, that you</p> <p>5 will not get any help.</p> <p>6 What do you think she's referring to</p> <p>7 there?</p> <p>8 MR. BROWN: Objection; calls for</p> <p>9 speculation.</p> <p>10 Q. (BY MS. MOORE) If you know. Did she --</p> <p>11 actually, I'll ask a better question.</p> <p>12 Did she ever tell you that you needed to</p> <p>13 get help?</p> <p>14 A. No.</p> <p>15 Q. She never said that?</p> <p>16 A. She might have told me to go to anger</p> <p>17 management class.</p> <p>18 Q. Okay. And did you ever go to any anger</p> <p>19 management classes?</p> <p>20 A. Yes, I did.</p> <p>21 Q. While you were married?</p> <p>22 A. No. After my wife's death.</p> <p>23 Q. So you never went to any of the anger</p> <p>24 management classes that she wanted you to go to when</p> <p>25 she was still alive and you were married?</p>	<p>1 hand you what I've marked as your Deposition</p> <p>2 Exhibit 12.</p> <p>3 Sir, have -- have you seen this</p> <p>4 document before?</p> <p>5 A. No.</p> <p>6 Q. Okay. So it's an affidavit of your wife</p> <p>7 Tuyet Tran, Bates-labeled TRAN 0006 through</p> <p>8 TRAN 0007.</p> <p>9 Sir, will you turn to Page 2 of that</p> <p>10 document?</p> <p>11 Do you see that -- do you see your</p> <p>12 wife's signature at the top?</p> <p>13 A. Yes.</p> <p>14 Q. Is that her signature?</p> <p>15 A. Yes.</p> <p>16 Q. And below that, you see that it says,</p> <p>17 "Subscribed and sworn to" on July 7th, 2015,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Please turn back to the first page.</p> <p>21 On Paragraph 3, your wife states in this</p> <p>22 affidavit that you are abusive and a control freak.</p> <p>23 You physically and verbally abused her for the last</p> <p>24 eight years, that you beat her, hit her, destroyed</p> <p>25 the personal property. And I'll stop there.</p>
Page 195	Page 197
<p>1 A. No.</p> <p>2 Q. Or is that a "yes"?</p> <p>3 A. No, I never went to an anger management</p> <p>4 be- -- before my wife -- before her death.</p> <p>5 Q. Why did you refuse to go?</p> <p>6 A. I was not -- the caseworker never say that</p> <p>7 before her death, only after her death -- I'm sorry.</p> <p>8 When she removed the kids from the house, then she</p> <p>9 told me I need to go to anger management class, and</p> <p>10 that's when my wife was alive -- no, after her</p> <p>11 death. That's when I went to anger management. I</p> <p>12 don't remember when.</p> <p>13 Q. Did your wife ever tell you to go to anger</p> <p>14 management classes?</p> <p>15 A. No.</p> <p>16 Q. She never said that?</p> <p>17 A. No.</p> <p>18 Q. Did your wife have any family in Texas?</p> <p>19 A. Diep, the niece, her niece. Her friends.</p> <p>20 That's all I --</p> <p>21 Q. Was her immediate family back in Vietnam?</p> <p>22 A. Right.</p> <p>23 (Off-the-record discussion.)</p> <p>24 (Exhibit No. 12 was marked.)</p> <p>25 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p>	<p>1 Is your wife being truthful when she made</p> <p>2 those statements?</p> <p>3 A. I don't know what she think, what she</p> <p>4 feel. I don't know.</p> <p>5 Q. So you would say it's false that you</p> <p>6 physically abused her for at least eight years?</p> <p>7 A. I know I don't abuse her.</p> <p>8 Q. When you get angry, do you ever break</p> <p>9 anything or throw things?</p> <p>10 A. Yes, I throw things in the house. Broke a</p> <p>11 chair.</p> <p>12 Q. And -- let's see.</p> <p>13 She says that in and about 2009, you</p> <p>14 threw a chair at her head because she was working</p> <p>15 and could not come home early. Do you see where it</p> <p>16 says that?</p> <p>17 A. What paragraph number?</p> <p>18 Q. I'm still in Paragraph 3.</p> <p>19 A. Yes, I see that statement.</p> <p>20 Q. Okay. Do you recall an incident in 2009</p> <p>21 where you threw a chair at her head because she was</p> <p>22 working and would not come home early?</p> <p>23 A. No, I never done that.</p> <p>24 Q. So that statement is false?</p> <p>25 A. I never -- I never done that. That's what</p>

50 (Pages 194 to 197)

Videotaped Deposition of Itani Milleni

Page 198	Page 200
<p>1 she said, but I never done it.</p> <p>2 Q. So your wife was lying?</p> <p>3 A. I don't know why she's saying that.</p> <p>4 Q. She goes on to state that when she did get</p> <p>5 home, you choked her and she called the police, but</p> <p>6 the police never filed any charges.</p> <p>7 Do you recall the police coming out as</p> <p>8 a result of this incident?</p> <p>9 A. I think she's referring to that choking</p> <p>10 incident that I told you.</p> <p>11 Q. Okay.</p> <p>12 A. I think it happened in 2009.</p> <p>13 Q. Is that when you think that it happened?</p> <p>14 A. I don't know.</p> <p>15 Q. In Paragraph 4, she states that in 2011,</p> <p>16 you were angry about the children coming home late,</p> <p>17 that you threw the laptops and all the items in the</p> <p>18 home against the wall. Is that a true statement?</p> <p>19 A. False.</p> <p>20 Q. It's a false statement?</p> <p>21 In November -- in Paragraph 5, she states</p> <p>22 that in November of 2014, the children witnessed you</p> <p>23 choking and hitting her because "I had recooked his</p> <p>24 food, and it was still raw, and the kids couldn't</p> <p>25 eat it. The kids cried and pleaded 'Daddy, don't do</p>	<p>1 A. It did not happen. I did not choke her</p> <p>2 because of the flier, the advertisement.</p> <p>3 Q. Did you choke her at all?</p> <p>4 A. No.</p> <p>5 Q. Do you recall having a dispute about the</p> <p>6 advertisement postcards?</p> <p>7 A. No.</p> <p>8 Q. So this entire incident didn't happen?</p> <p>9 A. I don't remember it happened.</p> <p>10 Q. It says -- it goes on to say in March 2015</p> <p>11 that you were angry that she was sick, and when you</p> <p>12 came home, you choked her.</p> <p>13 Did that happen?</p> <p>14 A. What paragraph?</p> <p>15 Q. I'm still in 6.</p> <p>16 A. Oh, the paragraph -- advertising postcard,</p> <p>17 no.</p> <p>18 Q. Do you see how it says in March 2015, you</p> <p>19 were angry that she was always sick and that when</p> <p>20 you came home, you choked her?</p> <p>21 A. No.</p> <p>22 Q. That never happened?</p> <p>23 A. No.</p> <p>24 Q. She goes on to state that in April 2015,</p> <p>25 you threw ten chairs against the walls and at her.</p>
Page 199	Page 201
<p>1 that."</p> <p>2 Do you recall that incident, sir?</p> <p>3 A. Yes, about the food.</p> <p>4 Q. Okay. Did you choke and hit her --</p> <p>5 A. No.</p> <p>6 Q. -- as a result of that incident?</p> <p>7 So she's lying here when she says that</p> <p>8 you choked and hit her?</p> <p>9 A. I don't know why she said that, but I</p> <p>10 didn't do it.</p> <p>11 Q. And if your children said the same thing,</p> <p>12 they would be lying?</p> <p>13 A. I don't know my -- why my kids saying</p> <p>14 that.</p> <p>15 Q. Because you --</p> <p>16 A. I didn't do it.</p> <p>17 Q. Because you claim it's not true?</p> <p>18 A. It's not true.</p> <p>19 Q. It says in February -- in Paragraph 6, in</p> <p>20 February of 2015, you choked her in the parking lot</p> <p>21 because you did not like her advertisement postcards</p> <p>22 that she did for the business.</p> <p>23 Do you recall that event, sir?</p> <p>24 A. No.</p> <p>25 Q. You don't recall it, or did it not happen?</p>	<p>1 Is your testimony, sir, that that</p> <p>2 didn't happen either?</p> <p>3 A. No.</p> <p>4 Q. Did you ever use her credit cards without</p> <p>5 her authorization?</p> <p>6 A. No.</p> <p>7 Q. Did you ever apply for credit under her</p> <p>8 name without her authorization?</p> <p>9 A. No.</p> <p>10 Q. Did you ever threaten to punch her in the</p> <p>11 eyes and that you'll bust her eyes?</p> <p>12 A. No.</p> <p>13 Q. Now, Paragraph 8 talks about in May 2015</p> <p>14 that she was sick and threw up in front of the</p> <p>15 workplace, that he called you -- that you called her</p> <p>16 in and punched her and hit her and that your niece</p> <p>17 called -- her niece called the police but there were</p> <p>18 never any changes filed. Now, that's the other</p> <p>19 incident that we talked about today, correct?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. So that one is true?</p> <p>22 A. Yes, it's true.</p> <p>23 Q. No. 9, she -- she states that -- and</p> <p>24 swears that you threatened her all the time.</p> <p>25 Is that a true -- is that a true</p>

51 (Pages 198 to 201)

Videotaped Deposition of Itani Milleni

Page 202	Page 204
<p>1 statement?</p> <p>2 A. No.</p> <p>3 Q. Had -- did Tuyet ever call the police in</p> <p>4 response to some of your incidents?</p> <p>5 A. I think she called the police when I</p> <p>6 choked her at Hidden Shadow Lane.</p> <p>7 Q. You were aware, sir, weren't you, that</p> <p>8 your wife was terrified of you?</p> <p>9 A. I don't know.</p> <p>10 Q. That she was afraid that you had a gun and</p> <p>11 that you might use it on her?</p> <p>12 MR. BROWN: Objection; calls for</p> <p>13 speculation.</p> <p>14 Q. (BY MS. MOORE) Did she ever tell you</p> <p>15 that?</p> <p>16 A. No, she never told me that.</p> <p>17 (Off-the-record discussion.)</p> <p>18 (Exhibit No. 13 was marked.)</p> <p>19 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p> <p>20 hand you what I've marked as Deposition</p> <p>21 Exhibit 13. On Page 1, it's Bates-labeled</p> <p>22 TRAN 1369.</p> <p>23 Do you recognize this handwriting?</p> <p>24 A. Yes.</p> <p>25 Q. Is this your wife's handwriting?</p>	<p>1 that help your plan with CPS?</p> <p>2 A. How does it help --</p> <p>3 Q. Yes.</p> <p>4 A. -- the CPS?</p> <p>5 MR. BROWN: Objection. The question</p> <p>6 is vague, and I think it mischaracterizes his</p> <p>7 testimony.</p> <p>8 A. The plan is that we get divorce and CPS</p> <p>9 give kids her the kids -- custody of the kids.</p> <p>10 Q. (BY MS. MOORE) Did Tuyet --</p> <p>11 A. That's the plan.</p> <p>12 Q. Did Tuyet tell you that she was trying to</p> <p>13 file a temporary restraining order against you?</p> <p>14 A. No, I was not aware of that.</p> <p>15 Q. Okay. How would that have been part of</p> <p>16 the plan?</p> <p>17 A. I don't know.</p> <p>18 MR. BROWN: Objection; calls for</p> <p>19 speculation.</p> <p>20 A. I don't know.</p> <p>21 Q. (BY MS. MOORE) You claimed you -- even</p> <p>22 though you were separated after the children were</p> <p>23 taken away, you and your wife were still together.</p> <p>24 Is that your testimony?</p> <p>25 A. After...</p>
Page 203	Page 205
<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. And -- okay. Let me ask you, have</p> <p>3 you ever seen this document before?</p> <p>4 A. No.</p> <p>5 Q. So you've never read through it?</p> <p>6 A. No.</p> <p>7 Q. And you did not see it before your wife</p> <p>8 was murdered?</p> <p>9 A. No, I never seen this.</p> <p>10 Q. Okay. If she's making -- if Tuyet is</p> <p>11 making these statements shortly before she's</p> <p>12 murdered, are you -- is it your testimony that this</p> <p>13 is all part of the plan to trick CPS?</p> <p>14 MR. BROWN: Objection; calls for</p> <p>15 speculation.</p> <p>16 Q. (BY MS. MOORE) Well, you talked about a</p> <p>17 plan to trick CPS, correct?</p> <p>18 A. Right.</p> <p>19 Q. Did that involve your wife swearing under</p> <p>20 oath that you did all of these things that you say</p> <p>21 are not true? Was that part of the plan?</p> <p>22 A. Some of it is not true. Some is correct.</p> <p>23 Some is not true.</p> <p>24 Q. Okay. So how did that -- how did her</p> <p>25 creating or swearing to these affidavits, how did</p>	<p>1 Q. After the children were taken away --</p> <p>2 A. Right.</p> <p>3 Q. -- out of the house --</p> <p>4 A. Yes.</p> <p>5 Q. -- is it your testimony that you and your</p> <p>6 wife were still together?</p> <p>7 MR. BROWN: Objection. It's vague.</p> <p>8 A. She stay -- she lives at her friend's</p> <p>9 house.</p> <p>10 Q. (BY MS. MOORE) Were you still in a</p> <p>11 relationship with her? She had not left you,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. At least according to your</p> <p>15 testimony.</p> <p>16 A. I'm sorry?</p> <p>17 Q. At least according to your testimony.</p> <p>18 Your testimony --</p> <p>19 MS. MOORE: Let me finish my question.</p> <p>20 MR. BROWN: All right. I thought you</p> <p>21 were done.</p> <p>22 Q. (BY MS. MOORE) Your testimony has been</p> <p>23 that you separated as part of a plan to trick CPS,</p> <p>24 correct?</p> <p>25 A. Yes, ma'am.</p>

52 (Pages 202 to 205)

Videotaped Deposition of Itani Milleni

Page 206	Page 208
<p>1 Q. Okay. So if she went out and tried -- if</p> <p>2 Tuyet tried to get a temporary restraining order</p> <p>3 against you, that would not be in line with the plan</p> <p>4 that you claim and have testified under oath that</p> <p>5 you had?</p> <p>6 MR. BROWN: Objection; calls for</p> <p>7 speculation.</p> <p>8 A. I don't know why she get a restraining</p> <p>9 order.</p> <p>10 Q. (BY MS. MOORE) But you agree with me,</p> <p>11 don't you, that it doesn't make a whole lot of sense</p> <p>12 for her to get a restraining order if this was all</p> <p>13 part of a plan, does it?</p> <p>14 MR. BROWN: Objection; calls for</p> <p>15 speculation.</p> <p>16 A. Maybe getting restraining order is to give</p> <p>17 the kids to her custody and she planned that. I</p> <p>18 don't know.</p> <p>19 Q. (BY MS. MOORE) Have you ever thought --</p> <p>20 have you -- did you know that -- I believe you</p> <p>21 testified you didn't know she had tried to get a</p> <p>22 restraining order; is that right?</p> <p>23 A. No, I never aware of that. She might have</p> <p>24 done -- she might have done it on her own to get a</p> <p>25 restraining order so she can get the kids' custody</p>	<p>1 before Tuyet -- before your wife died?</p> <p>2 MR. BROWN: Objection; vague.</p> <p>3 A. We've been having money issue, yes.</p> <p>4 Q. (BY MS. MOORE) You were. What kind of</p> <p>5 money issues were you having?</p> <p>6 A. We're using credit cards to pay debts, to</p> <p>7 pay bills.</p> <p>8 Q. And was that shortly before her death?</p> <p>9 A. When we started the business and I -- when</p> <p>10 I was living with her, yes.</p> <p>11 Q. And was that a stressful situation, having</p> <p>12 to -- having to worry about these debts and paying</p> <p>13 it off with credit cards?</p> <p>14 A. I pay for it, yes.</p> <p>15 Q. It was stressful. Did it make you angry?</p> <p>16 A. No, it doesn't make me angry.</p> <p>17 Q. So your testimony is you didn't argue with</p> <p>18 your wife about these things?</p> <p>19 A. Yes, I argued with her about it.</p> <p>20 Q. But you just weren't angry when you were</p> <p>21 arguing with her? Is that what you're saying?</p> <p>22 A. I argue about not spending too much on the</p> <p>23 credit cards.</p> <p>24 Q. Okay. Sir, will you turn to 1373, please.</p> <p>25 Do you recall getting angry at your wife</p>
Page 207	Page 209
<p>1 for sure, but not me. That's fine. It works with</p> <p>2 me too. That was part of the plan.</p> <p>3 Q. Part of the plan was --</p> <p>4 A. But I'm not aware of --</p> <p>5 Q. All right.</p> <p>6 A. -- the restraining order.</p> <p>7 Q. Okay.</p> <p>8 A. She might have done it on her own. She</p> <p>9 didn't tell me. I don't know. But I'm not aware of</p> <p>10 that.</p> <p>11 Q. Sir, if you'd look at TRAN 1373. We've</p> <p>12 had these -- the Vietnamese translated into English,</p> <p>13 which you can see on TRAN 1375. And I just want to</p> <p>14 go through -- actually, let's start with 1372.</p> <p>15 Did you and your wife ever argue about</p> <p>16 credit card debt?</p> <p>17 A. Yes, we talk about credit card debt.</p> <p>18 Q. Did you ever argue with your wife about</p> <p>19 credit card debts?</p> <p>20 A. We might have argued about it, yes.</p> <p>21 Q. Did you come -- did you agree to close</p> <p>22 certain credit cards but then continue using her</p> <p>23 credit card without her authorization?</p> <p>24 A. No.</p> <p>25 Q. Were you having money issues shortly</p>	<p>1 about her printing posters for advertising for the</p> <p>2 business without getting your approval?</p> <p>3 A. No.</p> <p>4 Q. Okay. So --</p> <p>5 A. I don't remember that.</p> <p>6 Q. It could have happened. It could not have</p> <p>7 happened. You just don't remember?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you remember -- so you don't</p> <p>10 remember getting angry about that situation?</p> <p>11 A. No.</p> <p>12 Q. And you don't remember dragging her to the</p> <p>13 parking lot in front of the salon and strangling</p> <p>14 her?</p> <p>15 A. No.</p> <p>16 Q. That never happened?</p> <p>17 A. I don't remember I did that.</p> <p>18 Q. So it could have happened. It could not</p> <p>19 have happened. You just don't remember?</p> <p>20 A. (No response.)</p> <p>21 Q. Is that the case, sir? It could have</p> <p>22 happened, and it might not have happened, but you</p> <p>23 just don't remember?</p> <p>24 A. I don't remember I strangled her in the</p> <p>25 parking lot.</p>

53 (Pages 206 to 209)

Videotaped Deposition of Itani Milleni

Page 210	Page 212
<p>1 Q. Okay. Will you turn to Page TRAN 1374?</p> <p>2 Do you recall a time where you had an</p> <p>3 argument with your wife about, you know, cleaning up</p> <p>4 the shop when she was working there?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you recall getting mad at her and</p> <p>9 banging three chairs in the wall and pushing all the</p> <p>10 chairs in the store?</p> <p>11 A. No, I don't remember that.</p> <p>12 Q. Don't remember. So it could have</p> <p>13 happened. It could not have happened. You just</p> <p>14 don't remember?</p> <p>15 A. I don't remember I throw the chair, bang</p> <p>16 the chair, no.</p> <p>17 Q. Did you ever flatten her four tires when</p> <p>18 she was buying dinner for the children at a</p> <p>19 restaurant?</p> <p>20 A. I remember that one. I flattened her</p> <p>21 tires. I remember that.</p> <p>22 Q. So that one is true?</p> <p>23 A. Yes, that's true.</p> <p>24 Q. In 2010, she said you -- you tracked her</p> <p>25 and flattened her four tires. Why would you do</p>	<p>1 A. Yes.</p> <p>2 Q. And was her car at your house when that</p> <p>3 happened?</p> <p>4 A. No. It was at a restaurant.</p> <p>5 Q. So your wife and your children are in a</p> <p>6 restaurant, correct?</p> <p>7 A. Yes. No, no, not at the restaurant. At</p> <p>8 the restaurant parking lot.</p> <p>9 Q. Was your wife outside while you were</p> <p>10 flattening --</p> <p>11 A. Yes --</p> <p>12 Q. -- her tires?</p> <p>13 A. -- she was outside.</p> <p>14 Q. Were the kids outside?</p> <p>15 A. Yes, the kids was outside.</p> <p>16 Q. So the children saw you take a knife and</p> <p>17 slash your wife's four tires of your car in a</p> <p>18 parking lot?</p> <p>19 A. I don't know if the kids saw it. They</p> <p>20 were in the car. They were inside the car.</p> <p>21 Q. Okay. They were inside the car of the --</p> <p>22 of the -- as you were slashing the tires of the car?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Mr. Milleni, I want to talk now about the</p> <p>25 CPS case that was happening right before your wife</p>
Page 211	Page 213
<p>1 that?</p> <p>2 A. Because -- I did not track her. I just</p> <p>3 called, why was she home late and where the kids</p> <p>4 were, and she didn't tell me where the kids were.</p> <p>5 She just stay out all night with the kids, and it</p> <p>6 was late. So I got mad at her. When she came back,</p> <p>7 I met her and I got mad and I just slashed the</p> <p>8 tires.</p> <p>9 Q. So you got mad. You got angry --</p> <p>10 A. Yes.</p> <p>11 Q. -- correct?</p> <p>12 A. Yes.</p> <p>13 Q. And you lost control, correct?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. What did you use to slash the tires?</p> <p>16 A. The knife.</p> <p>17 Q. What knife?</p> <p>18 A. I don't remember. The knife I had in my</p> <p>19 car or in her car. I don't know. I just grabbed it</p> <p>20 and slash it.</p> <p>21 Q. Was it the hatchet that you keep in your</p> <p>22 car?</p> <p>23 A. No, not the hatchet. It's a knife.</p> <p>24 Q. Was her -- the -- you flattened the four</p> <p>25 tires of her car, correct?</p>	<p>1 was murdered.</p> <p>2 How did you first learn about the CPS</p> <p>3 investigation?</p> <p>4 A. My wife came home and told me that the CPS</p> <p>5 came to the house several times and I wasn't home.</p> <p>6 And the CPS came to the business and talked with her</p> <p>7 about it. That's how I learned --</p> <p>8 Q. And did --</p> <p>9 A. -- about CPS.</p> <p>10 Q. Did you speak with you wife about what the</p> <p>11 allegations or what had prompted the CPS</p> <p>12 investigation?</p> <p>13 A. No. I just -- I didn't know who they were</p> <p>14 at that time.</p> <p>15 Q. When did you discover that -- that they</p> <p>16 had gotten involved because D [REDACTED] had choked</p> <p>17 another student at school?</p> <p>18 A. When I learned that D [REDACTED] choked other</p> <p>19 kid at school?</p> <p>20 Q. That that was the reason why CPS was</p> <p>21 coming out to -- to visit the home.</p> <p>22 A. Yes.</p> <p>23 Q. You understood that --</p> <p>24 A. I believe so, yes.</p> <p>25 Q. -- right?</p>

54 (Pages 210 to 213)

Videotaped Deposition of Itani Milleni

Page 214	Page 216
<p>1 A. Right.</p> <p>2 Q. My question is, when did you get that</p> <p>3 understanding?</p> <p>4 A. I don't remember. My wife told me when</p> <p>5 she got home. She said that CPS came to her store</p> <p>6 and talked with her about the kids. I think my wife</p> <p>7 told me about that.</p> <p>8 Q. Okay. And do you recall the first time</p> <p>9 you spoke with a CPS caseworker?</p> <p>10 A. The first time I talked with the CPS</p> <p>11 caseworker when she came to the house for the</p> <p>12 interview.</p> <p>13 Q. Okay.</p> <p>14 A. Before that, I didn't -- I talked with her</p> <p>15 by emails to set up the appointment.</p> <p>16 Q. And the CPS caseworker that came out to</p> <p>17 the house for the interview, that was Shayolonda --</p> <p>18 Shayolonda Herron, correct?</p> <p>19 A. I remember, yes.</p> <p>20 Q. Do you remember videotaping that meeting?</p> <p>21 A. Yes, I did that.</p> <p>22 MS. MOORE: Can we go off the record</p> <p>23 for just one second?</p> <p>24 THE VIDEOGRAPHER: We're going off the</p> <p>25 record. The time is 3:17 p.m.</p>	<p>1 Q. Okay. Keep watching. And why did you</p> <p>2 decide to videotape that interview?</p> <p>3 A. Because I wanted to document what the CPS</p> <p>4 does to my kids --</p> <p>5 Q. Okay.</p> <p>6 A. -- and to my family.</p> <p>7 Q. Okay.</p> <p>8 A. And there's other reasons too, that I</p> <p>9 don't want them to lie about...</p> <p>10 Q. You didn't want CPS to lie?</p> <p>11 A. Yes, ma'am, so I put them on video.</p> <p>12 Q. Okay. Let's watch a little bit more of</p> <p>13 this video.</p> <p>14 A. Okay.</p> <p>15 (Video playing.)</p> <p>16 Q. (BY MS. MOORE) Okay. So who was that</p> <p>17 man's voice in the background?</p> <p>18 A. Robbins Mitchell.</p> <p>19 Q. Okay.</p> <p>20 (Video playing.)</p> <p>21 Q. (BY MS. MOORE) Okay. The woman who just</p> <p>22 sat down in the video and is speaking, is that</p> <p>23 Shayolonda Herron?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Okay.</p>
Page 215	Page 217
<p>1 (Break from 3:17 p.m. to 3:18 p.m.)</p> <p>2 THE VIDEOGRAPHER: We're back on the</p> <p>3 record. The time is 3:18 p.m.</p> <p>4 Q. (BY MS. MOORE) Mr. Milleni, I'm going to</p> <p>5 mark a video as Deposition Exhibit 14.</p> <p>6 (Exhibit No. 14 was marked.)</p> <p>7 Q. (BY MS. MOORE) And this video was</p> <p>8 produced with a Bates stamp TRAN 1468. And I know</p> <p>9 this is not very sophisticated, but I'm just going</p> <p>10 to show you on my computer.</p> <p>11 (Off-the-record discussion.)</p> <p>12 Q. (BY MS. MOORE) All right. Mr. Milleni,</p> <p>13 I'm going to show you this video. I'm going to just</p> <p>14 start it real quick, and I just want to make sure</p> <p>15 that we're talking about the same video that you're</p> <p>16 remembering. Okay?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 (Video playing.)</p> <p>20 Q. (BY MS. MOORE) Is that you in this video?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And was this the day that</p> <p>23 Shayolonda Herron was coming to interview you</p> <p>24 regarding the CPS case?</p> <p>25 A. Yes. Correct.</p>	<p>1 (Video playing.)</p> <p>2 Q. (BY MS. MOORE) All right. So</p> <p>3 Mr. Mitchell just comes into the meeting, correct?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. And that's Robbins Mitchell right there?</p> <p>6 A. Correct.</p> <p>7 Q. All right. Did you intend for him to be</p> <p>8 part of the meeting?</p> <p>9 A. No.</p> <p>10 Q. Okay. I'm going to fast forward since</p> <p>11 this video is over an hour long.</p> <p>12 And you told Ms. Herron that the</p> <p>13 conversation was being recorded, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And she said, I need to step out. I -- I</p> <p>16 don't know if I can have this recorded or not,</p> <p>17 something along those lines, correct?</p> <p>18 A. Yes, I remember she said that.</p> <p>19 Q. Okay. And then she came back in and</p> <p>20 didn't agree to be recorded, correct?</p> <p>21 A. I don't remember what she said when she</p> <p>22 came back in.</p> <p>23 Q. Okay. Let's -- let's --</p> <p>24 A. She say about her supervisor. She talked</p> <p>25 with her supervisor, but I don't remember what she</p>

55 (Pages 214 to 217)

Videotaped Deposition of Itani Milleni

Page 218	Page 220
<p>1 say.</p> <p>2 Q. Let's go to that.</p> <p>3 (Video playing.)</p> <p>4 MR. BROWN: What's the timestamp for</p> <p>5 that?</p> <p>6 MS. MOORE: The timestamp is 18</p> <p>7 minutes.</p> <p>8 Q. (BY MS. MOORE) Mr. Vu, I'm pausing at</p> <p>9 18 minutes, 38 seconds. You turned the camera so</p> <p>10 that the camera was capturing what Robbins Mitchell</p> <p>11 was telling Shayolonda Herron, correct?</p> <p>12 A. Yes.</p> <p>13 (Video playing.)</p> <p>14 Q. (BY MS. MOORE) Okay. So Mr. Mitchell</p> <p>15 got pretty upset in this encounter. Would you agree</p> <p>16 with that?</p> <p>17 A. Yes.</p> <p>18 Q. And is this D [REDACTED] T [REDACTED] --</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. -- right here?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. D [REDACTED] is in the room when all this is</p> <p>23 happening as well, correct?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. You -- why didn't you have Mr. Mitchell</p>	<p>1 MS. MOORE: That's okay.</p> <p>2 Q. (BY MS. MOORE) Now, this video also</p> <p>3 includes the day that CPS came and took the kids</p> <p>4 away, correct?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay.</p> <p>7 MS. MOORE: I am moving forward to</p> <p>8 minute 33.</p> <p>9 (Video playing.)</p> <p>10 MS. MOORE: Unfortunately, I'm having</p> <p>11 some technical difficulties with the video, but this</p> <p>12 is -- give me just one second, please.</p> <p>13 (Video playing.)</p> <p>14 Q. (BY MS. MOORE) So this is Robbins</p> <p>15 Mitchell again, correct?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And this is the police that have come</p> <p>18 to -- to -- to take the children, correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 MS. MOORE: And let's see. Let's go</p> <p>21 to -- I'm on minute 37.</p> <p>22 (Video playing.)</p> <p>23 Q. (BY MS. MOORE) So did you get a call from</p> <p>24 either D [REDACTED] or P [REDACTED] telling you that the police</p> <p>25 were there?</p>
Page 219	Page 221
<p>1 leave the room?</p> <p>2 A. Because when all this going on, I didn't</p> <p>3 know what to do. I just -- it just happened. And</p> <p>4 it --</p> <p>5 Q. Do you approve -- I'm sorry. Go ahead.</p> <p>6 A. And it was just a surprise. I didn't know</p> <p>7 what's going on. Or it just happened. And I just</p> <p>8 stood there stunned.</p> <p>9 Q. Did --</p> <p>10 A. I didn't expect this to be happen.</p> <p>11 Q. Okay.</p> <p>12 A. So I didn't know what -- how to react.</p> <p>13 Q. Do you think that this behavior was</p> <p>14 appropriate?</p> <p>15 A. Mr. Mitchell? Yes.</p> <p>16 Q. And you didn't try to stop him from</p> <p>17 arguing with Shayolonda Herron, did you?</p> <p>18 A. Not at that time.</p> <p>19 Q. Okay.</p> <p>20 A. Later, I told him to apologize, and he</p> <p>21 did. He wrote a letter, apologize to Shayolonda.</p> <p>22 MS. MOORE: I'm going to object to</p> <p>23 everything that's after, "No, I did not" as not</p> <p>24 responsive.</p> <p>25 THE WITNESS: I'm sorry.</p>	<p>1 A. I remember when I was at work somebody --</p> <p>2 oh, Robbins Mitchell called me and informed me that</p> <p>3 the police came.</p> <p>4 Q. Okay.</p> <p>5 A. I think Robbins Mitchell called, but not</p> <p>6 D [REDACTED].</p> <p>7 Q. Okay.</p> <p>8 (Video playing.)</p> <p>9 Q. (BY MS. MOORE) So at this time,</p> <p>10 Mr. Mitchell was home alone with your children,</p> <p>11 correct? Your wife wasn't -- Tuyet wasn't at the</p> <p>12 house during this time, was she?</p> <p>13 A. My wife was not there. I don't remember</p> <p>14 my wife was there.</p> <p>15 Q. And -- and you, obviously, were not there</p> <p>16 because they're trying to call you to get you to</p> <p>17 come home, correct?</p> <p>18 A. Somebody called me.</p> <p>19 Q. So the only individuals in the house at</p> <p>20 this point are Mr. Mitchell and your two children,</p> <p>21 D [REDACTED] and P [REDACTED], correct?</p> <p>22 A. I -- yes.</p> <p>23 (Video playing.)</p> <p>24 Q. (BY MS. MOORE) Now, Mr. Mitchell was</p> <p>25 actually arrested as a part of this -- this</p>

56 (Pages 218 to 221)

Videotaped Deposition of Itani Milleni

Page 222	Page 224
<p>1 transaction, correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. For interfering?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Okay.</p> <p>6 MS. MOORE: I'm going to minute 42.</p> <p>7 (Video playing.)</p> <p>8 MS. MOORE: I'm pausing it at minute</p> <p>9 43:47.</p> <p>10 Q. (BY MS. MOORE) And is this Mr. Mitchell</p> <p>11 in a robe at your house?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. It looks like that robe goes up --</p> <p>14 a pretty short robe, correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Did he wear that around your children?</p> <p>17 A. I've seen it before.</p> <p>18 Q. Did you have any concerns about that?</p> <p>19 A. Yes, I've told him about it, you know, put</p> <p>20 on more clothing in the house.</p> <p>21 Q. Did you do any background investigation on</p> <p>22 Mr. Mitchell before you let him --</p> <p>23 A. No.</p> <p>24 Q. -- rent from you?</p> <p>25 A. No.</p>	<p>1 several meetings with CPS.</p> <p>2 (Exhibit No. 15 was marked.)</p> <p>3 Q. (BY MS. MOORE) Mr. Vu, I'm handing you</p> <p>4 what I have marked as your Deposition Exhibit 15.</p> <p>5 It's the hearing transcript from that hearing on</p> <p>6 July 7th, 2015, a show cause hearing.</p> <p>7 Have you seen this document before?</p> <p>8 A. The report -- yes, I've seen it before.</p> <p>9 Q. Did you review that in preparation for</p> <p>10 your testimony here today?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Do you recall what time of day the hearing</p> <p>13 took place?</p> <p>14 A. No, I don't remember. I don't recall.</p> <p>15 Q. You testified at this hearing, correct?</p> <p>16 A. Yes, I was there.</p> <p>17 Q. But your wife did not testify, did she?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Was your wife in the courtroom when you</p> <p>20 were testifying?</p> <p>21 A. No.</p> <p>22 Q. She was not in the courtroom when you were</p> <p>23 testifying?</p> <p>24 A. No. On this hearing, no.</p> <p>25 Q. On -- on that -- on this day, on July 7th,</p>
Page 223	Page 225
<p>1 MR. BROWN: Objection; relevance.</p> <p>2 Q. (BY MS. MOORE) Well, did you let -- did</p> <p>3 you have any concerns at all about strangers being</p> <p>4 in the house with your, you know, children?</p> <p>5 MR. BROWN: Objection; relevance.</p> <p>6 A. No. I talked with him before I let him</p> <p>7 move in and rent that room.</p> <p>8 Q. (BY MS. MOORE) But you didn't have any</p> <p>9 concerns about a stranger living in your house with</p> <p>10 your children?</p> <p>11 MR. BROWN: Objection; relevance,</p> <p>12 asked and answered.</p> <p>13 Q. (BY MS. MOORE) You can answer.</p> <p>14 A. Yeah, I worry if something happen, yes. A</p> <p>15 stranger, yes, but --</p> <p>16 Q. But you had no concerns about</p> <p>17 Mr. Mitchell?</p> <p>18 A. No concern about him.</p> <p>19 MR. BROWN: Objection; relevance.</p> <p>20 Q. (BY MS. MOORE) Now, the children were</p> <p>21 taken into CPS custody, and then there was a</p> <p>22 hearing. I know we've talked about it a little bit</p> <p>23 today, but the hearing on July 7th, 2015, do you</p> <p>24 recall that hearing?</p> <p>25 A. No, I don't specific -- all I remember is</p>	<p>1 2015, did you have any discussions with your wife</p> <p>2 about the case?</p> <p>3 A. Are you talking about this hearing?</p> <p>4 Q. Yes.</p> <p>5 A. On this date?</p> <p>6 Q. Yes.</p> <p>7 A. This is when my wife already pass away.</p> <p>8 Q. July --</p> <p>9 A. So I'm confused now.</p> <p>10 Q. Okay. If you'll look at the date of the</p> <p>11 hearing, sir, it's July 7th, 2015. Your wife was</p> <p>12 murdered on July 20th, 2015, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. So this hearing is before your wife</p> <p>15 was killed.</p> <p>16 A. That's correct. So I never seen this</p> <p>17 before, no. I don't know this one.</p> <p>18 MR. BROWN: Just to be clear, because</p> <p>19 this may help, is that I showed him last night the</p> <p>20 transcript from the termination of parental rights</p> <p>21 hearing. So he may be confusing that with this.</p> <p>22 Q. (BY MS. MOORE) Okay. So you have not --</p> <p>23 you only saw one transcript?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>

57 (Pages 222 to 225)

Videotaped Deposition of Itani Milleni

Page 226	Page 228
<p>1 A. I don't know this document.</p> <p>2 Q. From the June 23rd, 2016, hearing after</p> <p>3 your wife died --</p> <p>4 A. Yes.</p> <p>5 Q. -- that was the transcript you saw?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall this hearing before your</p> <p>8 wife died?</p> <p>9 A. No. I remember I went to the CPS</p> <p>10 meetings, but this hearing -- what hearing?</p> <p>11 Q. You have no memory of testifying in court</p> <p>12 on July 7th, 2015?</p> <p>13 A. In court? I remember I went to court with</p> <p>14 my attorney, Shandon Phan. That's what I remember.</p> <p>15 Q. Do you remember --</p> <p>16 A. And on that day the Court took my --</p> <p>17 Q. I'm sorry. Go ahead.</p> <p>18 A. On that day the Court removed my parental</p> <p>19 rights. I remember that one, but I don't know what</p> <p>20 other hearings.</p> <p>21 Q. You don't remember a hearing shortly</p> <p>22 before your wife was murdered where the State --</p> <p>23 where the Judge ordered CPS to get temporary custody</p> <p>24 of the children?</p> <p>25 A. I don't remember that one. Maybe I read</p>	<p>1 I'm sorry. I remember now. Thank you. I remember</p> <p>2 my wife was there with me.</p> <p>3 Q. Okay. Did you observe your wife while you</p> <p>4 were testifying?</p> <p>5 A. Did I what?</p> <p>6 Q. Did you see her in the courtroom when you</p> <p>7 were testifying?</p> <p>8 A. Yes. My wife was there with me.</p> <p>9 Q. Okay.</p> <p>10 A. I remember now.</p> <p>11 Q. Do you remember now that -- did you have</p> <p>12 any conversations with her that day?</p> <p>13 A. We were talking but -- yes.</p> <p>14 Q. You do remember?</p> <p>15 A. In the courtroom -- outside the courtroom,</p> <p>16 yes.</p> <p>17 Q. Do you remember what you discussed?</p> <p>18 A. No.</p> <p>19 MS. MOORE: Okay. Can we take a short</p> <p>20 break so I can try to see what I have left and what</p> <p>21 I need?</p> <p>22 MR. BROWN: Yeah.</p> <p>23 (Off-the-record discussion.)</p> <p>24 THE VIDEOGRAPHER: Going off the</p> <p>25 record. The time is 3:45 p.m.</p>
Page 227	Page 229
<p>1 it, then I'll remember. It's been three years ago,</p> <p>2 ma'am. I don't remember this hearing.</p> <p>3 Q. Why don't you turn to Page 20?</p> <p>4 Okay. Do you see at Line 18 where it</p> <p>5 says, "Trang Vu, having first been duly sworn,</p> <p>6 testified as follows," and then it follows with your</p> <p>7 direct examination?</p> <p>8 MR. BROWN: Right there.</p> <p>9 A. Yes, I see. Line 18. Okay.</p> <p>10 Q. (BY MS. MOORE) Well, let me ask you. So</p> <p>11 you don't -- if you don't remember this hearing,</p> <p>12 then you don't remember having any interactions with</p> <p>13 your wife that day, do you?</p> <p>14 A. I don't remember this hearing.</p> <p>15 Q. So you don't remember any interactions you</p> <p>16 had with your wife that day, do you?</p> <p>17 A. No.</p> <p>18 Q. You don't remember her being in the</p> <p>19 courtroom while you were testifying, correct?</p> <p>20 A. I remember my wife never been in the</p> <p>21 courtroom.</p> <p>22 Q. So your testimony is your wife was never</p> <p>23 in the courtroom?</p> <p>24 A. Oh, I remember now. Yes, yes, I remember.</p> <p>25 There was a hearing in court. My wife was there.</p>	<p>1 (Break from 3:45 p.m. to 4:03 p.m.)</p> <p>2 THE VIDEOGRAPHER: We're back on the</p> <p>3 record. The time is now 4:03 p.m.</p> <p>4 Q. (BY MS. MOORE) Mr. Milleni, do you know a</p> <p>5 man named Akbar Rahaman?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Who is Akbar Rahaman?</p> <p>8 A. He's the Indian guy that rent a room at</p> <p>9 Sandstone.</p> <p>10 Q. So he was one of the tenants at 9226</p> <p>11 Sandstone?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And how long did he live at the house?</p> <p>14 A. I don't remember how long. He stay there</p> <p>15 two months.</p> <p>16 Q. Would it surprise you if it was closer to</p> <p>17 a year?</p> <p>18 A. I don't -- yes, it would be a surprise if</p> <p>19 he stay there for close to a year.</p> <p>20 Q. Would it surprise you if he would testify</p> <p>21 that he saw you beating your wife with a belt?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Because that's not true? You never</p> <p>24 beat your wife with a belt?</p> <p>25 A. I don't remember I beat my wife with a</p>

58 (Pages 226 to 229)

Videotaped Deposition of Itani Milleni

Page 230	Page 232
<p>1 belt.</p> <p>2 Q. You don't remember. So it could have</p> <p>3 happened. It could not have happened. You just</p> <p>4 don't remember?</p> <p>5 A. Yes, I don't remember I hit my wife with a</p> <p>6 belt.</p> <p>7 Q. Do you think you would recall hitting your</p> <p>8 wife with a belt?</p> <p>9 A. Say again. I'm sorry. I didn't</p> <p>10 understand.</p> <p>11 Q. I said do you think you would recall</p> <p>12 hitting your wife with a belt?</p> <p>13 A. No, ma'am, I don't recall I hit my wife</p> <p>14 with a belt.</p> <p>15 Q. Do you know a man named Jimmy Clark?</p> <p>16 A. Oh, yeah. I remember, yes. Jimmy Clark.</p> <p>17 Q. Who is Jimmy Clark?</p> <p>18 A. He -- he's a tenant there a very short</p> <p>19 period of time, yes.</p> <p>20 Q. So he's another tenant that we have not</p> <p>21 heard about yet today, correct?</p> <p>22 A. Yes. Correct. Sorry about that.</p> <p>23 Q. Do you recall when he -- when he lived at</p> <p>24 the house?</p> <p>25 A. When?</p>	<p>1 Q. Do you remember his last name?</p> <p>2 A. No.</p> <p>3 Q. Was he also a tenant at 9226 Sandstone?</p> <p>4 A. He came to rent the room, but he was not a</p> <p>5 tenant. He left.</p> <p>6 Q. Do you recall -- he came to rent a room,</p> <p>7 and he left. I don't understand what that means.</p> <p>8 Did he actually stay at the house?</p> <p>9 A. He came there. He waiting for Akbar to</p> <p>10 move out, and then he stayed -- he take over Akbar's</p> <p>11 room. But then he left before he rented the room.</p> <p>12 Q. So he never lived with you?</p> <p>13 A. He stayed there for a couple of nights,</p> <p>14 just waiting for Akbar to move out, and then he</p> <p>15 left.</p> <p>16 Q. So your testimony is just he stayed a few</p> <p>17 nights?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Did you charge him any rent?</p> <p>20 A. No.</p> <p>21 Q. How about an individual named Fernando</p> <p>22 Yepes, Y-e-p-e-s?</p> <p>23 A. I don't remember Fernando Yepes.</p> <p>24 Q. So you don't recall if he was yet another</p> <p>25 tenant who lived at your house?</p>
Page 231	Page 233
<p>1 Q. Yes. When did he -- when did he live at</p> <p>2 the house?</p> <p>3 A. I don't remember when he lived at the</p> <p>4 house.</p> <p>5 Q. How about Akbar Rahaman? Do you recall</p> <p>6 when he was living in the house?</p> <p>7 A. I don't recall when -- when.</p> <p>8 Q. How much did you charge Akbar Rahaman --</p> <p>9 and I apologize. I may be making this name</p> <p>10 incorrect. I'll just spell it for the record.</p> <p>11 A-k-b-a-r, last name R-a-h-a-m-a-n. How much did</p> <p>12 you charge this individual for renting a room at</p> <p>13 your house?</p> <p>14 A. I think about 500.</p> <p>15 Q. How much did you charge Jimmy Clark for</p> <p>16 renting a room at your house?</p> <p>17 A. \$500.</p> <p>18 Q. Do you know a man named Daniel Filipino?</p> <p>19 A. Yes, I remember. Yes, Daniel --</p> <p>20 Q. Oh, sorry. Do you --</p> <p>21 A. -- Filipino.</p> <p>22 Q. Was he -- was he Filipino?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>25 A. I don't know what he is.</p>	<p>1 A. No -- oh, I'm sorry. Fernando Yepes.</p> <p>2 Yes, I remember now. He's a boy -- a young boy. He</p> <p>3 came. He stayed there a month, and then he left</p> <p>4 again also.</p> <p>5 Q. When did he stay at the house?</p> <p>6 A. I don't remember when.</p> <p>7 Q. Are there any other individuals who were</p> <p>8 tenants at your house that you've not told us about</p> <p>9 today?</p> <p>10 A. No.</p> <p>11 Q. Is there any reason why --</p> <p>12 A. I'm sorry that I don't remember those</p> <p>13 individuals you just say.</p> <p>14 Q. Is it still your testimony that Akbar was</p> <p>15 only at your house for a few months?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Now, we've already discussed today how you</p> <p>18 have changed your name from Trang Vu to Itani</p> <p>19 Milleni. My question is, did you tell anyone at CPS</p> <p>20 that you had changed your name?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. Because I didn't keep in touch with them.</p> <p>24 Q. Well, didn't you change your name during</p> <p>25 the CPS investigation?</p>

59 (Pages 230 to 233)

Videotaped Deposition of Itani Milleni

Page 234	Page 236
<p>1 A. I'm sorry?</p> <p>2 Q. I said didn't you change your name during</p> <p>3 the CPS case?</p> <p>4 A. No.</p> <p>5 (Off-the-record discussion.)</p> <p>6 (Exhibit No. 16 was marked.)</p> <p>7 Q. (BY MS. MOORE) Mr. Milleni, I'm handing</p> <p>8 you what I've marked as your Deposition Exhibit 16.</p> <p>9 Do you recognize this petition to change</p> <p>10 your name?</p> <p>11 A. Yes, I recognize.</p> <p>12 Q. Okay. And it looks like this petition was</p> <p>13 filed October 7th, 2015, correct?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. So in October of 2015, the CPS case was</p> <p>16 still going on, wasn't it?</p> <p>17 A. I don't remember if the CPS was still</p> <p>18 going on at that time.</p> <p>19 Q. If it was still going on at that time, is</p> <p>20 there any reason why you would not have told CPS</p> <p>21 that you changed your name?</p> <p>22 A. I did not -- I didn't think it's important</p> <p>23 to tell the CPS that I changed my name.</p> <p>24 Q. Why?</p> <p>25 A. Why? I don't -- I don't think it's</p>	<p>1 policy to yourself in August of 2012?</p> <p>2 MR. BROWN: Objection; vague.</p> <p>3 Q. (BY MS. MOORE) Do you remember -- I'll</p> <p>4 restate it again.</p> <p>5 Do you remember at some point in 2012</p> <p>6 transferring ownership of her life insurance policy</p> <p>7 to yourself?</p> <p>8 A. To myself, yes. I remember I called the</p> <p>9 insurance company. Yes, I changed the beneficiary</p> <p>10 to myself.</p> <p>11 Q. Why did you do that?</p> <p>12 A. Because if I remember, the beneficiary</p> <p>13 was -- I don't remember whose name it was in. I</p> <p>14 don't remember. But then I changed -- no. I've</p> <p>15 been -- I've been the beneficiary -- beneficiary for</p> <p>16 the whole time on her life insurance. But I</p> <p>17 remember I called them and changed the beneficiary</p> <p>18 to her parents, her family member, or something like</p> <p>19 that.</p> <p>20 Q. You didn't change it to your children?</p> <p>21 A. Yes, and also to my children too.</p> <p>22 Q. Well, you understand, sir, that we're here</p> <p>23 in a life insurance dispute, correct?</p> <p>24 A. Yes, ma'am, I understand.</p> <p>25 Q. And that the claim -- that you're making a</p>
Page 235	Page 237
<p>1 important to tell them. Because I remember at that</p> <p>2 time -- there was no CPS investigation at that time.</p> <p>3 Q. That's your testimony? There was no</p> <p>4 CPS -- you weren't doing anything with CPS at the</p> <p>5 time you changed your name?</p> <p>6 A. I don't remember. I didn't do anything</p> <p>7 with CPS when I changed my name.</p> <p>8 Q. Okay. Did both you and Tuyet apply for</p> <p>9 life insurance?</p> <p>10 A. Yes, we did.</p> <p>11 Q. Both of you did?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Is there a reason why only Tuyet</p> <p>14 got her life insurance and you didn't get yours?</p> <p>15 A. I had -- we have two policies. I had mine</p> <p>16 too.</p> <p>17 Q. So did you both apply for life insurance</p> <p>18 in 2008?</p> <p>19 A. I don't remember when.</p> <p>20 Q. Okay. Did you both apply at the same</p> <p>21 time?</p> <p>22 A. I don't remember.</p> <p>23 Q. Is there a reason why you transferred --</p> <p>24 actually, let me ask you.</p> <p>25 Do you remember transferring Tuyet's</p>	<p>1 claim for the life insurance proceeds from Tuyet</p> <p>2 Tran's life insurance policy, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And that -- your children are also making</p> <p>5 a claim to that money. You understand that, right?</p> <p>6 A. No, I don't -- I'm not aware of that.</p> <p>7 Q. You're not aware that -- that D [REDACTED] and</p> <p>8 P [REDACTED] are making a claim in this case in order to</p> <p>9 get the life insurance proceeds?</p> <p>10 A. Correct. I don't -- I'm not aware of</p> <p>11 that.</p> <p>12 Q. You're not -- so I don't think I'm 100</p> <p>13 percent understanding.</p> <p>14 Are you in favor of your children getting</p> <p>15 the proceeds over yourself?</p> <p>16 A. Yes, I would like to have the proceeds to</p> <p>17 myself.</p> <p>18 Q. You want the proceeds for yourself?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. You don't want your children to have them,</p> <p>21 correct?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. So you do understand that you're</p> <p>24 making a claim for the life insurance proceeds and</p> <p>25 your children are also making a claim for the same</p>

60 (Pages 234 to 237)

Videotaped Deposition of Itani Milleni

Page 238	Page 240
<p>1 life insurance proceeds? You understand that, 2 right? 3 A. You are telling me now. Yes, I know now 4 that my children wants the insurance proceeds too. 5 Q. Knowing that now, is it still your 6 position that you should have that money more than 7 your children? 8 MR. BROWN: Objection; form. 9 A. I should have more money. Yes, I have the 10 right to all that money, not more, all of that 11 money. 12 Q. (BY MS. MOORE) Mr. Milleni, isn't it true 13 that you voluntarily relinquished your parental 14 rights over D [REDACTED] and F [REDACTED] T [REDACTED]? 15 A. Yes, I remember that. 16 Q. And do you understand what that meant at 17 the time? 18 A. I think I remember what that meant at that 19 time. 20 Q. What do you think it meant? 21 A. That I give up my parental rights to my 22 kids. 23 Q. And you voluntarily did that, correct? 24 A. I remember, yes. 25 Q. And there was actually a hearing on June</p>	<p>1 rights? 2 A. Yes. Correct. 3 Q. Why? 4 A. At that time, when we were in a private 5 room outside of Court, I was very stressful, what I 6 was going through. The police accused me that I 7 killed my wife. My friend believed that I killed my 8 wife, and everybody was saying that I killed my 9 wife. And I lost everything, my wife, my kids, my 10 business, even my friends. I was very stressful and 11 my -- Shandon Phan advised me that this is the best 12 way to deal with this situation. 13 And I just couldn't handle it anymore, 14 and I just said okay, just do it. 15 Q. Just walk away? 16 A. Yes, ma'am. I couldn't handle the stress. 17 Q. Walk away from your children, yes? 18 A. No, not walk away from my children. 19 Q. Well, that's what it meant, right, to 20 relinquish your parental rights? 21 A. That's correct, but I didn't mean that. 22 Q. Well, you did that, right? 23 A. Correct, in writing. 24 Q. What's your current address? 25 A. Right now I'm living with my -- I use my</p>
Page 239	Page 241
<p>1 23rd, 2016. And I believe that that was the 2 transcript that you reviewed in preparation for your 3 deposition testimony today, June 23rd, 2016? 4 A. (No response.) 5 Q. You recall reviewing a transcript in 6 preparation for your deposition today, correct? 7 A. Yes, the transcript on the CPS case, yes. 8 Q. And it was for a hearing where the Court 9 was deciding whether or not to give you parental 10 rights. 11 A. Yes, I remember that. 12 Q. Okay. And you remember testifying at that 13 trial -- at that hearing? 14 A. Yes. 15 Q. Okay. And you were represented by a 16 lawyer at that hearing, right? 17 A. Correct. 18 Q. Shandon Phan? 19 A. Correct. 20 Q. And you were being questioned on the 21 stand, correct? 22 A. Yes. 23 Q. But you ended up not going through the 24 rest of the hearing. In the middle of the hearing, 25 you decided to voluntarily relinquish your parental</p>	<p>1 mom's address in Florida. I'm driving trucks now, 2 and I go through different states, and I don't have 3 a permanent address at this point. I live -- I 4 drive trucks. 5 Q. You're saying you drive trucks? You 6 don't -- 7 A. I don't have an address, but I use my 8 mom's address. 9 (Off-the-record discussion.) 10 Q. (BY MS. MOORE) So do you live in your 11 truck? 12 A. Yes, ma'am. 13 Q. Are you in a relationship right now? 14 A. Yes, I am. 15 Q. What is her name? 16 A. I -- her Vietnamese name is Trinh, 17 T-r-i-n-h. 18 Q. What's her last name? 19 A. Bui, B-u-i. 20 Q. And how long have you been in a 21 relationship with her? 22 A. About six months. 23 Q. Have you been in any other 24 relationships -- actually, what's -- do you have a 25 cell phone number for her?</p>

61 (Pages 238 to 241)

Videotaped Deposition of Itani Milleni

Page 242	Page 244
<p>1 A. Yes, I do have her contact. 2 Q. What is her telephone number? 3 A. I don't remember. It's in my phone. 4 Q. Do you have your phone here? 5 A. Yes, ma'am. 6 Q. So you'd be able to get that information 7 for us? 8 A. Yes. 9 Q. Have you been in any other relationships 10 since your wife died? 11 A. Yes. I had one relationship with another 12 woman before -- 13 Q. What -- 14 A. -- before Trinh Bui. 15 Q. What was that woman's name? 16 A. Thoang, T-h-o-a-n-g; last name, Tuyen, 17 T-u-y-e-n. 18 Q. How long were you in a relationship 19 with -- with this individual? 20 A. We talk on the phone for -- I don't 21 remember how long -- a year. And then after that, I 22 decided to marry her, and it's about a year. It's a 23 year. 24 Q. So you -- 25 A. A year.</p>	<p>1 A. Yes, ma'am. 2 Q. When did she come to the United States? 3 A. When did she come to the United States? 4 Q. Yes. When did she come to the United 5 States? 6 A. No, she never been to the United States. 7 Q. So you went to Vietnam to get married to 8 her? 9 A. Yes, ma'am. 10 Q. And did you live in Vietnam for a month 11 while you were married? 12 A. About a month, yes. 13 Q. And is she still living in Vietnam? 14 A. Yes, she is. 15 Q. Do you have contact information for her or 16 phone number? 17 A. Yes, I do. 18 Q. Do you still have that in your phone? 19 A. Yes, ma'am. 20 Q. Is it your testimony that that separation 21 or that split was -- was initiated by you? 22 A. Correct, by me. I told her be better that 23 we split. 24 Q. Then did you come back to the United 25 States?</p>
Page 243	Page 245
<p>1 Q. Did you ask her to marry you? 2 A. Yes. 3 Q. And what did she say? 4 A. Yes. She agree. 5 Q. But you did not end up getting married? 6 A. No. We -- we got married, but then we end 7 up not getting married. 8 Q. You're going to have to explain that one 9 to me. 10 Did you actually go through with the 11 marriage? 12 A. Yes, ma'am, we did. 13 Q. Then did you get divorced? 14 A. Yes, ma'am. 15 Q. Okay. How soon after you got married did 16 you get divorced? 17 A. How soon after I got married? Less than a 18 month. 19 Q. Why did you get divorced? 20 A. Because I told her that she's not -- she 21 and I are not compatible. I was forced into the 22 marriage with her. 23 Q. Who forced you? 24 A. Her -- her and her parents, her family. 25 Q. Was she in Vietnam?</p>	<p>1 A. Yes, I came back to the United States. 2 Q. About when -- when did you -- when did you 3 get divorced? 4 A. When I came back to the United States. 5 Q. When was that? When did you come back to 6 the United States after you got divorced? 7 You testified that you came back to the 8 United States after you got divorced, correct? 9 A. Correct. 10 Q. Okay. When did you get divorced? 11 A. I told her when I came back to the United 12 States. 13 MR. BROWN: A date, a date. 14 Q. (BY MS. MOORE) A date. 15 A. December. 16 Q. Of what? 17 A. December of 2017. 18 Q. Okay. So you had started seeing her then 19 sometime in 2016 -- 20 A. Yes. 21 Q. -- is that correct? 22 A. No, I haven't seen her. We talked on the 23 phone. 24 Q. Did you have any other relationships after 25 your wife died but before this individual? Any</p>

62 (Pages 242 to 245)

Videotaped Deposition of Itani Milleni

Page 246	Page 248
<p>1 other relationships?</p> <p>2 A. Before Thoang, my -- my --</p> <p>3 Q. Ex-wife, yes.</p> <p>4 A. No.</p> <p>5 Q. Okay. So, Mr. Milleni, you testified</p> <p>6 that -- that your marriage was just not compatible.</p> <p>7 Is that what you said, that you were not compatible</p> <p>8 with your --</p> <p>9 A. Yes.</p> <p>10 Q. -- ex-wife?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. Did you fight with her too?</p> <p>13 A. Yes.</p> <p>14 Q. Did you get angry with her?</p> <p>15 A. I got angry with her, yes, ma'am.</p> <p>16 Q. Did you yell at her?</p> <p>17 A. No.</p> <p>18 Q. Did you ever hit her?</p> <p>19 A. No, I never hit her.</p> <p>20 Q. So your testimony -- you didn't have any</p> <p>21 girl -- did you have a girlfriend at the time that</p> <p>22 you -- strike that.</p> <p>23 At the parental rights termination</p> <p>24 hearing where you relinquished your rights to</p> <p>25 D [REDACTED] and F [REDACTED] T [REDACTED] did you have a girlfriend at</p>	<p>1 what I gave you, so...</p> <p>2 Q. (BY MS. MOORE) Did you provide videos to</p> <p>3 your counsel?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. When did you do that?</p> <p>6 MR. BROWN: I'm going to instruct him</p> <p>7 not to answer. Any communications between us is</p> <p>8 privileged.</p> <p>9 MS. MOORE: I asked when, not the</p> <p>10 substances of what you've communicated.</p> <p>11 MR. BROWN: That's fine. When we --</p> <p>12 when we talked, when he gives me stuff, it's all</p> <p>13 privileged.</p> <p>14 MS. MOORE: Okay.</p> <p>15 Q. (BY MS. MOORE) All right. So the</p> <p>16 video -- but you did give videos to your counsel,</p> <p>17 right?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Generally, what were those videos</p> <p>20 of?</p> <p>21 A. About the CPS case, the -- about my --</p> <p>22 Tuyet Tran, my previous wife's death, about Robbins</p> <p>23 Mitchell, about -- those videos about the case.</p> <p>24 Q. Okay. About how many videos?</p> <p>25 A. I don't remember.</p>
Page 247	Page 249
<p>1 that time?</p> <p>2 A. That --</p> <p>3 MR. BROWN: Objection; relevance.</p> <p>4 A. That was her.</p> <p>5 Q. (BY MS. MOORE) That was her?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. So you had -- you were in a</p> <p>8 relationship with her as of that time --</p> <p>9 A. Yes.</p> <p>10 Q. -- the time of the hearing?</p> <p>11 A. Yes, ma'am.</p> <p>12 MR. BROWN: Objection; relevance.</p> <p>13 Q. (BY MS. MOORE) Okay. In our discovery</p> <p>14 requests, we asked you to produce videos. Do you</p> <p>15 recall seeing those requests? I'll just represent</p> <p>16 to you that we've asked --</p> <p>17 A. I remember I upload some video.</p> <p>18 Q. Yeah, we asked for videos of Tuyet.</p> <p>19 A. Yes.</p> <p>20 Q. And you produced some videos today before</p> <p>21 your deposition started; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Do those -- do those videos include --</p> <p>24 what are those videos?</p> <p>25 MR. BROWN: I don't know if he knows</p>	<p>1 Q. Okay. I have two more videos I want to</p> <p>2 show you, Mr. Milleni, very briefly.</p> <p>3 We found some videos online, I'll</p> <p>4 represent to you, under a name Itani Milleni. And I</p> <p>5 just want to see if these are videos you posted and</p> <p>6 created. So --</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. One of these videos that --</p> <p>9 MS. MOORE: I don't know how you are</p> <p>10 handling this.</p> <p>11 (Exhibit No. 17 was marked.)</p> <p>12 Q. (BY MS. MOORE) Okay. One of these videos</p> <p>13 was titled "Driving my car on this beautiful Sunday,</p> <p>14 September 20th." And I will start it.</p> <p>15 A. Yeah, I remember that.</p> <p>16 Q. And let me just show you.</p> <p>17 (Playing video.)</p> <p>18 A. Yeah, I remember that.</p> <p>19 Q. (BY MS. MOORE) Do you recognize this?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Is this a video that you --</p> <p>22 A. Yes --</p> <p>23 Q. -- created?</p> <p>24 A. -- that's me.</p> <p>25 Q. Okay. Is that a video that -- that you</p>

63 (Pages 246 to 249)

Videotaped Deposition of Itani Milleni

Page 250	Page 252
<p>1 posted online?</p> <p>2 A. Yes.</p> <p>3 (Playing video.)</p> <p>4 Q. (BY MS. MOORE) Okay. And this is you</p> <p>5 driving --</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. -- in the video?</p> <p>8 Whose car are you driving?</p> <p>9 A. That's my car.</p> <p>10 Q. That's your car?</p> <p>11 A. Toyota. Yes.</p> <p>12 Q. Did that wife -- did that car belong to</p> <p>13 your wife Tuyet?</p> <p>14 A. Yes. I bought that car for her.</p> <p>15 Q. Okay. Moving forward to minute 11:26</p> <p>16 because I want to show you -- 11:36. My apologies.</p> <p>17 Okay.</p> <p>18 (Video playing.)</p> <p>19 Q. (BY MS. MOORE) Mr. Milleni, this looks to</p> <p>20 be a picture that's part of this video.</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Do you recognize this picture?</p> <p>23 A. Yes.</p> <p>24 Q. Did you take this picture?</p> <p>25 A. Yes.</p>	<p>1 Q. And posted online?</p> <p>2 A. Yes.</p> <p>3 Q. And who is the individual driving the car?</p> <p>4 A. This is a girl that I met at -- at one of</p> <p>5 the class -- anger management class.</p> <p>6 Q. Okay. And is her name Ashley?</p> <p>7 A. I don't remember her name.</p> <p>8 Q. You don't -- okay. Do you still keep in</p> <p>9 -- I'm assuming you don't keep in contact --</p> <p>10 A. No.</p> <p>11 Q. -- with her, then?</p> <p>12 Do you have a contact information for</p> <p>13 her?</p> <p>14 A. No, I don't.</p> <p>15 Q. Did you have a romantic relationship with</p> <p>16 her?</p> <p>17 A. No, ma'am, I did not.</p> <p>18 (Off-the-record discussion.)</p> <p>19 Q. (BY MS. MOORE) Mr. Milleni, did you</p> <p>20 remember ever keeping a journal during the CPS case?</p> <p>21 A. I remember I wrote something down just</p> <p>22 to -- documentation. I collect them.</p> <p>23 Q. Do you still have any of that</p> <p>24 documentation?</p> <p>25 A. I might have it. I --</p>
Page 251	Page 253
<p>1 Q. Okay. Whose hand -- whose hands are</p> <p>2 these?</p> <p>3 A. This is not my hand or anybody's hand.</p> <p>4 This is -- when I create that video, I got this</p> <p>5 picture from Google --</p> <p>6 Q. Oh.</p> <p>7 A. -- and I put it in the video. Yes, ma'am.</p> <p>8 Q. Okay.</p> <p>9 A. Just to show that I'm -- I'm looking for a</p> <p>10 relationship. That's all. But it's not -- it's</p> <p>11 nobody's hand.</p> <p>12 Q. Okay.</p> <p>13 MS. MOORE: Oh, that one -- let me</p> <p>14 mark that on the record. We'll call that Deposition</p> <p>15 Exhibit -- is it 18?</p> <p>16 (Off-the-record discussion.)</p> <p>17 (Exhibit No. 18 was marked.)</p> <p>18 Q. (BY MS. MOORE) So now I'm marking 18</p> <p>19 titled "I am teaching my friend Ashley how to drive</p> <p>20 a car."</p> <p>21 A. Yes, I remember that.</p> <p>22 Q. All right.</p> <p>23 A. Yes.</p> <p>24 Q. Is this a video that you took?</p> <p>25 A. Yes, ma'am.</p>	<p>1 Q. Have you looked for it?</p> <p>2 A. I look for it and I -- yes, I might have</p> <p>3 some document.</p> <p>4 Q. Do you -- a journal that you kept?</p> <p>5 A. No. I keep it online.</p> <p>6 Q. What do you mean you keep it online?</p> <p>7 What -- where do you keep it?</p> <p>8 A. I save it on my computer.</p> <p>9 Q. Do you save it to like a cloud?</p> <p>10 A. Yes.</p> <p>11 Q. And you still have all of these</p> <p>12 handwritten -- or excuse me. Are they typed?</p> <p>13 A. Typed, photocopy, yeah, any type of file.</p> <p>14 Q. Okay.</p> <p>15 A. I save it up there.</p> <p>16 Q. As part of the CPS process in the case</p> <p>17 involving your children, did you ever write a letter</p> <p>18 to your wife?</p> <p>19 A. To Tuyet Tran?</p> <p>20 Q. Yes.</p> <p>21 A. Yes, I wrote her a letter.</p> <p>22 Q. Do you still have that letter?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Is it saved on the cloud like you</p> <p>25 were -- like some of these other documents you were</p>

64 (Pages 250 to 253)

Videotaped Deposition of Itani Milleni

Page 254	Page 256
<p>1 talking about?</p> <p>2 A. Yes, it is saved in the computer.</p> <p>3 Q. Okay.</p> <p>4 MS. MOORE: I think that's responsive</p> <p>5 to the requests. We had request that be produced.</p> <p>6 A. Yes, it -- it's saved. I have it.</p> <p>7 Q. (BY MS. MOORE) Okay.</p> <p>8 MR. BROWN: I'll see it and see if</p> <p>9 it's -- it may be objectionable. I don't know. So</p> <p>10 when I see it, I'll let you know if we're going to</p> <p>11 produce it or not.</p> <p>12 MS. MOORE: Okay.</p> <p>13 Q. (BY MS. MOORE) Did you keep -- did you</p> <p>14 ever email with your wife?</p> <p>15 A. Do I?</p> <p>16 Q. Did you ever email with your wife --</p> <p>17 A. No.</p> <p>18 Q. -- exchange emails with your wife?</p> <p>19 A. I don't remember I email her.</p> <p>20 Q. Do you have any other videos of your wife?</p> <p>21 A. When we were together, yes.</p> <p>22 Q. Where do you keep your videos?</p> <p>23 A. In the cloud. I save it there all in the</p> <p>24 cloud, in the computer.</p> <p>25 Q. Okay. So you've -- you've saved all of</p>	<p>1 MR. BROWN: Objection; calls for</p> <p>2 speculation.</p> <p>3 A. I will benefit from my wife's life</p> <p>4 insurance benefits?</p> <p>5 Q. (BY MS. MOORE) Yes.</p> <p>6 A. Alone I benefit that?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Okay. Why no?</p> <p>10 A. Because I'm not alone receiving that</p> <p>11 money.</p> <p>12 Q. Who else is receiving that money?</p> <p>13 A. My kids.</p> <p>14 Q. But your kids are not receiving that</p> <p>15 money, Mr. Milleni. You're asking in this case that</p> <p>16 you get that money and the kids do not get that</p> <p>17 money.</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. So how are the children financially</p> <p>20 benefiting from the financial policy -- from the</p> <p>21 life insurance policy?</p> <p>22 A. I will manage that myself, and I will</p> <p>23 share it with the kids.</p> <p>24 Q. Okay. So are you --</p> <p>25 A. That's how they benefit the money, from --</p>
Page 255	Page 257
<p>1 your videos?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Did the shop -- did the Signature Beauty</p> <p>4 Show have a camera in the --</p> <p>5 A. No.</p> <p>6 Q. Did your house have a camera, like a</p> <p>7 standing camera that you -- at Sandstone that you</p> <p>8 kept running?</p> <p>9 A. No. I installed a camera at Sandstone.</p> <p>10 Q. Okay. Did -- how often did you record at</p> <p>11 Sandstone?</p> <p>12 A. Just one time.</p> <p>13 Q. So you had just gotten that video recorder</p> <p>14 in order to record the CPS caseworker coming in?</p> <p>15 A. Yes. Correct.</p> <p>16 Q. Okay. Do you save all of your pictures,</p> <p>17 your still pictures, on the cloud as well?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And have you produced in this case all the</p> <p>20 pictures of your wife Tuyet Tran?</p> <p>21 A. Most of it. Yes, I've produced most of</p> <p>22 it.</p> <p>23 Q. Mr. Milleni, you would agree with me,</p> <p>24 would you not, that you and you alone stood to</p> <p>25 financially benefit from your wife's death, correct?</p>	<p>1 Q. So you intend to give the life insurance</p> <p>2 proceeds -- if you win this case, you plan to turn</p> <p>3 over those life insurance proceeds to your children?</p> <p>4 A. I will save it for me and for my kids.</p> <p>5 Q. How much were you intending to give to</p> <p>6 your children from the life insurance proceeds?</p> <p>7 A. I don't know.</p> <p>8 Q. Why don't you just give all of it to the</p> <p>9 children?</p> <p>10 A. Yes, I can.</p> <p>11 Q. Will you do that?</p> <p>12 A. I'm -- yes, I can.</p> <p>13 Q. You'll relinquish -- you have that -- you</p> <p>14 have that right. You can relinquish the -- the --</p> <p>15 your right to that money.</p> <p>16 A. Yes.</p> <p>17 Q. Are you willing to relinquish your right</p> <p>18 to those funds and give it to your children?</p> <p>19 A. Relinquish my right, no.</p> <p>20 Q. Are you willing to give up the money and</p> <p>21 give that money to your children?</p> <p>22 A. I will not give up my right, but I will</p> <p>23 share it with them.</p> <p>24 Q. Okay.</p> <p>25 MS. MOORE: Can we go off the minute</p>

65 (Pages 254 to 257)

Videotaped Deposition of Itani Milleni

Page 258	Page 260
<p>1 -- the record for just a second?</p> <p>2 THE VIDEOGRAPHER: Going off the</p> <p>3 record. The time is now 4:39 p.m.</p> <p>4 (Break from 4:39 p.m. to 4:44 p.m.)</p> <p>5 THE VIDEOGRAPHER: We're back on the</p> <p>6 record. The time is 4:44 p.m.</p> <p>7 Q. (BY MS. MOORE) Mr. Milleni --</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. -- have you had any contact with your</p> <p>10 children since you gave up your rights to them?</p> <p>11 A. No, I never have contact with them.</p> <p>12 Q. You testified earlier that the -- that the</p> <p>13 police believe you killed your wife, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And that your friends believe that you</p> <p>16 killed your wife?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And that others also believe that you</p> <p>19 killed your wife, right?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. And you understand that your children are</p> <p>22 claiming in this case that you killed your wife?</p> <p>23 A. No, I don't under- -- I don't believe so.</p> <p>24 Q. You don't understand that?</p> <p>25 A. No, I don't believe so. I understand, but</p>	<p>1 Q. Okay.</p> <p>2 A. And the police say, yeah, I used it. So I</p> <p>3 say, okay, if that's what you believe. I just</p> <p>4 walked away. I didn't -- I didn't want to argue.</p> <p>5 And my friends see that I hit my wife, beat my --</p> <p>6 and my kids, I think deep down in their heart they</p> <p>7 don't -- they don't know the truth. That's all I</p> <p>8 say about my kids. They still young. They don't</p> <p>9 know the truth. And I leave it at that with the</p> <p>10 kids.</p> <p>11 Q. Did you know that your wife was beaten to</p> <p>12 death?</p> <p>13 A. Yes.</p> <p>14 MS. MOORE: No further questions.</p> <p>15 We'll save until trial.</p> <p>16 MR. BROWN: We'll reserve.</p> <p>17 THE VIDEOGRAPHER: Going off the</p> <p>18 record. The time is 4:48 p.m.</p> <p>19 (The deposition concluded at 4:48</p> <p>20 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 259	Page 261
<p>1 I don't believe my kids believe that I killed my</p> <p>2 wife.</p> <p>3 Q. Did you kill your wife?</p> <p>4 A. No, I did not.</p> <p>5 Q. All right.</p> <p>6 MS. MOORE: I'll -- hold on one</p> <p>7 second.</p> <p>8 Q. (BY MS. MOORE) Mr. Milleni, why do you</p> <p>9 think that everybody believes you killed your wife?</p> <p>10 MR. BROWN: Objection; calls for</p> <p>11 speculation.</p> <p>12 A. Because the police say that I failed the</p> <p>13 polygraph test and I use my gun to kill my wife.</p> <p>14 And my friends see that I have bad temper with my</p> <p>15 wife and hit her. And my wife has been telling all</p> <p>16 of my friends that I hit her. And the police think</p> <p>17 that -- he say that I kill my wife because of the</p> <p>18 insurance policy. And I -- all of those things</p> <p>19 pointing at me, and I disagree. And I disagree with</p> <p>20 what the police say, with what the -- with the</p> <p>21 evidence the police say. I never pulled out a gun.</p> <p>22 I never used it. I never used it. I put it in my</p> <p>23 holster. That's -- I never pulled it out.</p> <p>24 Q. (BY MS. MOORE) You never used your gun?</p> <p>25 A. No, ma'am.</p>	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 RELIASTAR LIFE)</p> <p>5 INSURANCE COMPANY,)</p> <p>6)</p> <p>7 Plaintiff,)</p> <p>8)</p> <p>9 v.) Case No. 4:17-cv-02818</p> <p>10)</p> <p>11 TRANG VU,)</p> <p>12 P.T., a minor, and)</p> <p>13 D.T., a minor,)</p> <p>14)</p> <p>15 Defendants.)</p> <p>16)</p> <p>17 *****</p> <p>18 THE STATE OF TEXAS :</p> <p>19 COUNTY OF HARRIS :</p> <p>20</p> <p>21 I, Stephanie M. Harper, a Certified Shorthand</p> <p>22 Reporter in and for the State of Texas, hereby</p> <p>23 certify to the following:</p> <p>24 That the witness, ITANI MILLENI, was duly sworn</p> <p>25 by the officer and that the transcript of the oral</p> <p>deposition is a true record of the testimony given</p> <p>by the witness;</p> <p>That examination and signature of the witness to</p> <p>the deposition transcript was waived by this witness</p> <p>and agreement of the parties at the time of the</p> <p>deposition;</p> <p>That the original deposition was delivered to</p>

66 (Pages 258 to 261)

Videotaped Deposition of Itani Milleni

Page 262

1 MS. MEGAN C. MOORE;
2 That the amount of time used by each party at
3 the deposition is as follows:

4 MR. CASEY M. BROWN - 00:00
5 MS. MEGAN C. MOORE - 05:35
6 MR. JOHN WILLIAM BELK - 00:00
7

8 I further certify that I am neither counsel for,
9 related to, nor employed by any of the parties or
10 attorneys in the action in which this proceeding was
11 taken, and further that I am not financially or
12 otherwise interested in the outcome of the
13 action.

14 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,
15 the 23rd day of October, 2018.
16

17
18
19 STEPHANIE M. HARPER, CSR
Certification No.: 7433
Expiration Date: 12-31-18

20 Infinity Reporting Group, LLC
Firm Registration No. 782
21 11231 Richmond Avenue, Suite D110
Houston, Texas 77082
22 832-930-4484
23

24
25 JOB NO. 5810 [ITANI MILLENI]

67 (Page 262)

Infinity Reporting Group, LLC
Office: 832-930-4484 Fax: 832-930-4485

APPENDIX 0068

Videotaped Deposition of Itani Milleni

Page 261

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 RELIASTAR LIFE)
5 INSURANCE COMPANY,)
6 Plaintiff,)
7 v.) Case No. 4:17-cv-02818
8 TRANG VU,)
9 P.T., a minor, and)
10 D.T., a minor,)
11 Defendants.)

12 *****

13 THE STATE OF TEXAS :

14 COUNTY OF HARRIS :

15

16 I, Stephanie M. Harper, a Certified Shorthand
17 Reporter in and for the State of Texas, hereby
18 certify to the following:

19 That the witness, ITANI MILLENI, was duly sworn
20 by the officer and that the transcript of the oral
21 deposition is a true record of the testimony given
22 by the witness;

23 That examination and signature of the witness to
24 the deposition transcript was waived by this witness
25 and agreement of the parties at the time of the
deposition;

That the original deposition was delivered to

Videotaped Deposition of Itani Milleni

Page 262

1 MS. MEGAN C. MOORE;

2 That the amount of time used by each party at
3 the deposition is as follows:

4 MR. CASEY M. BROWN - 00:00

5 MS. MEGAN C. MOORE - 05:35

6 MR. JOHN WILLIAM BELK - 00:00

7

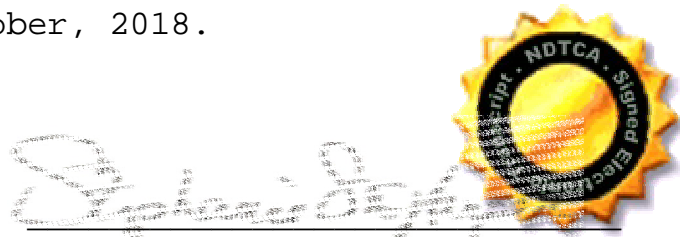
8 I further certify that I am neither counsel for,
9 related to, nor employed by any of the parties or
10 attorneys in the action in which this proceeding was
11 taken, and further that I am not financially or
12 otherwise interested in the outcome of the
13 action.

14 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,
15 the 23rd day of October, 2018.

16

17

18



19

STEPHANIE M. HARPER, CSR
Certification No.: 7433
Expiration Date: 12-31-18

20

21 Infinity Reporting Group, LLC
22 Firm Registration No. 782
23 11231 Richmond Avenue, Suite D110
Houston, Texas 77082
832-930-4484

24

25 JOB NO. 5810 [ITANI MILLENI]